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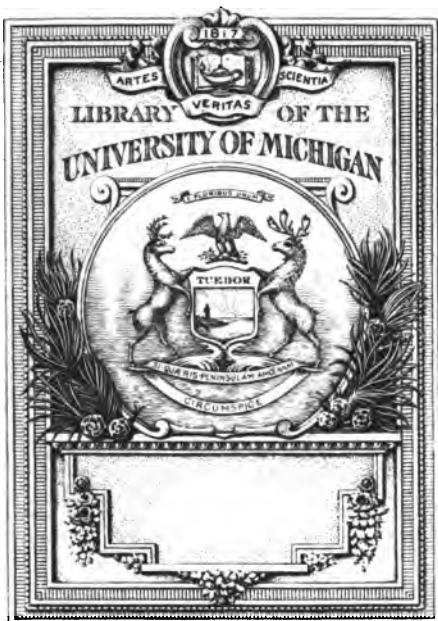
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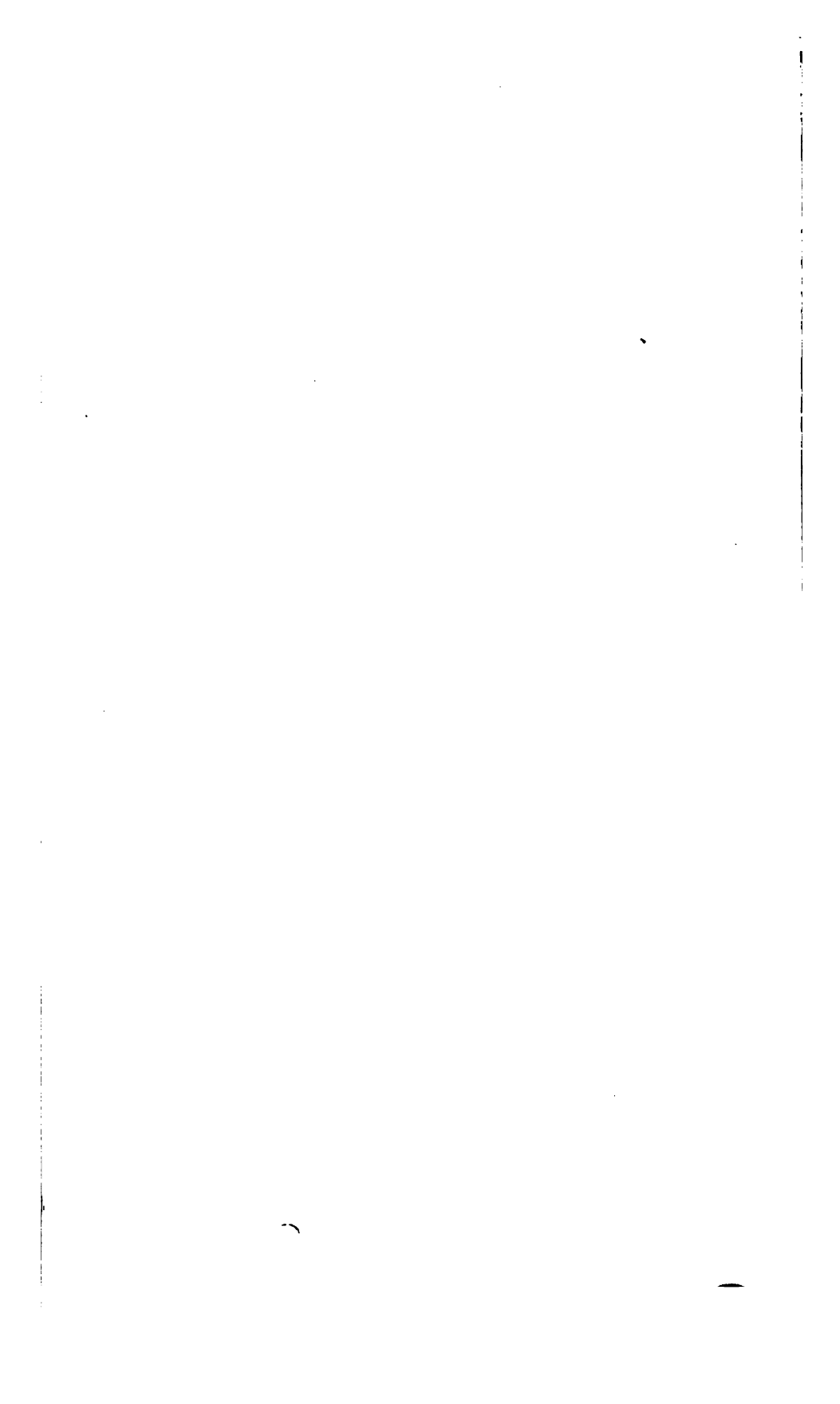
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JOURNAL

OF THE

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HOUSE OF REPRESENTATIVES

OF THE

STATE OF MICHIGAN;

ADJOURNED SESSION.

1837.

BY AUTHORITY.

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1837.

JOURNAL, &c.

ADJOURNED SESSION.

Thursday Nov. 9, 1837.

This being the day to which the legislature stood adjourned, at 12 o'clock, M. the Hon. Charles W. Whipple, Speaker of the House, took the chair.

On calling the roll, a quorum not being present, the House adjourned until eleven o'clock to-morrow morning.

Friday Nov. 10.

The House met pursuant to adjournment.

The roll having been called, and a quorum not being present, the House was adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll having been called, and a quorum not being present, the House adjourned to 10 o'clock to-morrow morning.

Saturday, November 11.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names :

Messrs. Alden, Brown, Bingham, Cressey, Cornell, Ferrington,

Felch, Gilbert, Herrington, Howe, Heath, Kellogg, Levae, Munger, Martin, Purdy, Phillips, Ralph, Job Smith, Shattuck, Shellhouse, Thayer, Wisner, Yerkes, Speaker.

On motion of Mr. Bingham,

Resolved, That the clerk of this House inform the Hon. the Senate, that a quorum of the House of Representatives are present and ready to proceed to business.

The following message was received from the Senate :

Mr. SPEAKER—I am directed by the Senate to inform the House of Representatives, that the Senate is now organized and ready to proceed to business.

The Chair announced that he had received a communication from Mr. Ward informing him that he had resigned his seat as a member of this House.

The following communication was received from the Hon. Wm. A. Fletcher, the reviser of the laws of this state, which was laid on the table.

To the Honorable the Senate and House of Representatives of the State of Michigan :

The undersigned, appointed by the act of March 8th, 1836, a commissioner to prepare, digest and arrange a code of laws, begs leave to report: That he has nearly completed the labor assigned him ; that under the resolution of the 21st of March last, he has employed the state printer to print such parts of his revised code as are now completed ; and that the same will be ready for the use of the members of your honorable bodies at the commencement of the ensuing special session of the legislature : and he believes that the parts now ready to be submitted, are so much detached from those parts yet unfinished, that no delay or inconvenience will be occasioned in the proceedings of the legislature by taking up in the first place those parts now submitted.

The parts unfinished relate to the courts, judicial offices, remedies and proceedings in civil cases ; and those parts will be printed and submitted to the legislature by about the third week of its session.

The undersigned has found the time too short to do justice to the important subjects entwined in a full code of statutory laws ; but, having anticipated this from the beginning, he has principally

directed his attention and labors to the formation and arrangement of a code which might be plain, concise and systematic, easy to be understood, and which might be conveniently corrected and amended by the legislature as might, from time to time, be deemed necessary. Whether this result has been obtained, he cannot say; but the undersigned trusts that the legislature will readily perceive the alterations and amendments proposed, and that the arrangement he has adopted will be such as to facilitate the more important labors and proceedings of your honorable body in the final action upon the matters submitted. It was the intention of the undersigned to have submitted a detailed statement of the alterations and amendments proposed in the code he has submitted; but he has not had time to prepare such a statement. There is one subject which the undersigned has not considered, that is the militia law; believing that it was less connected with the general statutes than most other subjects of legislation, and not being familiar with the subject, and having little confidence in his own judgment upon that subject, and wanting time for the purpose, he has thought best to apprise the legislature of the fact that he had not revised that part of the law; but if they should deem it expedient, the subject might be revised by them in its ordinary manner of legislation.

All which is respectfully submitted.

WM. A. FLETCHER.

Ann Arbor, Nov. 6, 1837.

The Chair presented the following communication from the Executive:

EXECUTIVE OFFICE, }
November 11, 1837. }

SIR—Permit me, through you, to call the attention of the House of Representatives to the act of March, 1837, authorizing a loan for purposes of internal improvement. Certain defects in the law as it now exists, are in the opinion of the agents of the state impediments to the prompt and successful negotiation of the loan contemplated, and I would therefore suggest the following amendments as important and essential to the success of the undertaking, viz:

1st. In the first section, amend by declaring that "*the rate of interest shall not exceed six per cent.*"

2d. In the second section, after the word "elsewhere," strike out the words "in the United States."

3d. To the third section add—"and in case the loan authorized by this act, or any part thereof, be negotiated in Europe, then it shall be redeemable as aforesaid, at the rate of four dollars and forty-four cents for every pound sterling of Great Britain, or the guilder of Holland, at the rate of forty cents for each ; and all payments of interest in Europe shall be also computed at the rates aforesaid, and at no greater rates."

With the amendments to the law here suggested, I cannot doubt from the arrangements I have entered into, that the loan authorized by the act of March last, can be speedily accomplished, and on terms most advantageous to the state.

The earliest action on the subject by the legislature is desired by the parties connected with the negotiation.

Very respectfully,

Your obedient servant,

STEVENS T. MASON.

Hon. CHARLES W. WHIPPLE,

Speaker of the House of Representatives.

On motion of Mr. Alden, the above communication was referred to the committee on the judiciary.

On motion of Mr. Wisner, Mr. Bingham was elected to supply the vacancy in the committee of investigation elected at the extra session of the legislature, to inquire into the official conduct of George Morell, one of the associate justices of the supreme court of this state, occasioned by the resignation of Mr. Ward.

On motion of Mr. Felch,

Resolved, (if the Senate concur) That a committee of five be appointed, three from the House and two from the Senate, to consider and report upon the most advisable method of proceeding with the revised laws, reported to this legislature by the Hon. Judge Fletcher, a commissioner appointed to revise the same.

The following message was received from the Senate through their Secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives, that the Senate have concurred in the resolution from the House, relative to the

revised laws ; and that Messrs. Barry and McKey have been appointed the committee on the part of the Senate, in pursuance of said resolution.

The Chair announced the following as the committee on the part of the House, in pursuance of the joint resolution, relative to the revised laws : Messrs. Felch, Alden and Cressey.

On motion of Mr. Cressey, the House adjourned until Monday morning, at 10 o'clock.

Monday, November 13.

The House met pursuant to adjournment.

The roll being called, the following members were absent :

Messrs. Almy, Burbank, Ballard, Burke, Calkin, Eldred, Farrington, Foote, Kingsley, King, Lothrop, Martin, McKeen, Moseley, Jos. Smith.

The journal of the previous day being read,

Mr. Alden presented a petition from sundry citizens of Branch, relative to a state road. Referred to the committee on roads and bridges.

Mr. Felch, from the joint select committee appointed in pursuance of the joint resolution, relative to the revised laws, made the following report, which was adopted :

The joint committee, appointed to recommend the manner in which the two houses shall take up for consideration the report of the commissioner appointed to revise the laws, recommend, that the Senate take up and act upon titles two, four, six, eight, ten, twelve, and fourteen, and that the House take up titles one, three, five, seven, nine, eleven and thirteen ; that when any of these titles shall have passed either branch of the legislature, it shall be sent to the other branch, together with the amendments made thereto, for its action on the same.

On motion of Mr. Felch,

Resolved, That the clerk of this House be authorized to employ an assistant clerk.

Resolved, That titles three, five, seven and nine, as reported by

the commissioner to revise the statutes of Michigan, be severally referred to special committees, to consist of five members each.

Mr. Cressey moved the suspension of so much of the forty-third rule, as relates to the presentation of petitions and memorials, which motion was laid upon the table.

On motion of Mr. Felch,

Resolved, That the committee on banks and incorporations, be instructed to inquire into the expediency of so amending the general banking law, as to preclude any institutions, not yet in operation, from organizing under its provisions. Also, to report to this House the propriety and best method of ascertaining whether any violations of law have occurred in the transactions of those associations, which are now in operation under its provisions; and to inquire into and report, generally, whether any amendments to said general banking law, or the law authorizing the suspension of specie payments, be expedient.

On motion of Mr. Alden,

The House took up for consideration, title one, part first of the revised statutes. Said title was read the first and second times, and on motion of Mr. Alden, was considered as in committee of the whole House.

On motion of Mr. Ralph, the fifth section of chapter first was amended by inserting after the word "coroners," in the fourteenth line, the words "justices of the peace and."

Mr. Felch moved further to amend said section, by inserting after the word "Michigan," in the eleventh line, the words "governor's private secretary," which motion was negatived.

On motion of Mr. Wisner, modified by Mr. McGaffey, said section was further amended by adding, "the library of the university of Michigan and each branch of the university."

Mr. Wisner moved further to amend said title, by striking out the third clause of section two, chapter two, which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Cressey,
Mr. Levake,

Mr. McGaffey,
Mr. Wisner,

Mr. Yerkes,
Mr. Speaker,

NAYS.

Mr. Alden,	Mr. Haskins,	Mr. Phillips,
Mr. Brown,	Mr. Heath,	Mr. Ralph,
Mr. Butler,	Mr. Kellogg,	Mr. Job Smith,
Mr. Cornell,	Mr. Munger,	Mr. Shattuck,
Mr. Ferrington,	Mr. Monfore,	Mr. Shellhouse,
Mr. Gilbert,	Mr. McCamly,	Mr. Thayer,
Mr. Herrington,	Mr. Purdy,	

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On motion of Mr. Wisner, Messrs. Wing and Felch were excused from voting on the above question.

On motion of Mr. Bingham, said title was further amended by inserting after the word "by," in the third line of section four, chapter two, the words "posting in three of the most public places in said township or county, a copy of such petition or memorial, and by," also by inserting the word "clerk," after the word "county," in the same line of same section.

On motion, said title was laid upon the table.

Mr. Job Smith asked and obtained leave of absence for Mr. Martin, until Wednesday next.

On motion of Mr. Cressey, the House adjourned until two o'clock this afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The Chair announced the following select committees on the revised statutes.

On title three, Messrs. Felch, Brown, Bingham, Purdy, Burbank.

On title five, Messrs. Wing, McGaffey, Herrington, Cornell, Foote.

On title seven, Messrs. Kingsley, Gilbert, Butler, Kellogg, Shattuck.

On title nine, Messrs. Alden, Cressey, Ralph, Ely, Eldred.

On title eleven, Messrs. Lothrop, Heath, McKeen, Calkin, Haskins.

Mr. Wing, from the committee on the judiciary, to which was referred the communication from the governor respecting a loan for purposes of internal improvement, reported a bill entitled "An

act to amend an act entitled 'An act authorizing a loan not exceeding five millions of dollars.'"

The said bill was read the first and second times, and on motion of Mr. Alden, the House resolved itself into a committee of the whole, Mr. Bingham in the chair, upon the above entitled bill; and after spending some time thereon, the committee rose and reported said bill to the House without amendment.

On motion of Mr. Felch, the twenty-second rule was suspended, and said bill was ordered to be engrossed for a third reading to-day; the rule being suspended, said bill was read a third time and passed.

On motion of Mr. Wisner, the House then adjourned until tomorrow morning at ten o'clock.

Tuesday, November 14.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Burbank, Ballard, Burke, Ely, Farrington, Foote, Kingsley, Levake, McKeen, Mosely, Jos. Smith.

The proceedings of the previous day being read, the following petitions were presented and severally referred.

By Mr. Wing, of John T. Tryatt, praying for a law authorizing him to sell and convey certain real estate; laid on the table.

By Mr. Bingham, of C. S. Hooker and others, for the organization of the town of Boston. Referred to the committee on the organization of towns and counties.

Also, of Truman B. Worden and others, praying for the organization of the town of Brooklyn or Brighton. Referred as above.

By Mr. McCamly, of William G. Wheaton and others, to construct a state road from Bellevue, in Eaton county, to Waterloo, in Clinton county. Referred to committee on roads and bridges.

Also, of sundry inhabitants of Calhoun and Barry, for the construction of a road from Battle Creek to Hastings. Referred as above.

Mr. Ferrington offered the following resolution, which, on motion of Mr. Lothrop, was laid upon the table.

Resolved, That the House of Representatives proceed forthwith to the election of a sergeant-at-arms.

Mr. Ralph offered the following resolution, which, on motion of Mr. Bingham, was laid upon the table.

Resolved, That the special committees to whom the several titles of the revised laws have been referred, be hereby instructed to expunge from the statute the office of county commissioner, and to refer the duties intended for said commissioners, to a board of supervisors, one to be elected for each town in the county.

On motion of Mr. Alden, the House resumed, as in committee of the whole, the consideration of title one of the revised laws, and on his motion the vote taken yesterday on striking out the third clause of chapter two, was reconsidered.

The question recurring on the motion to strike out said clause, on motion of Mr. Bingham, the motion was laid upon the table.

Mr. Cressey moved further to amend said chapter by striking out the first clause of the same.

Mr. Bingham moved to lay the motion on the table, which was negatived.

The question recurring on the motion to strike out said first clause, it was, on motion of Mr. Alden, decided by yeas and nays in the negative, as follows :

YEAS.

Mr. Cressey,

Mr. Wisner,

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NAYS.

Mr. Alden,

Mr. Brown,

Mr. Bingham,

Mr. Butler,

Mr. Calkin,

Mr. Cornell,

Mr. Eldred,

Mr. Ely,

Mr. Ferrington,

Mr. Felch,

Mr. Gilbert,

Mr. Herrington,

Mr. Howe,

Mr. Haskins,

Mr. Heath,

Mr. Kellogg,

Mr. King,

Mr. Lothrop,

Mr. Munger,

Mr. Martin,

Mr. Monfore,

Mr. McGaffey,

Mr. McCamly,

Mr. Purdy,

Mr. Philips,

Mr. Ralph,

Mr. Job Smith,

Mr. Shattuck,

Mr. Shellhouse,

Mr. Thayer,

Mr. Wing,

Mr. Yerkes,

Mr. Speaker,

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Mr. Calkin further moved to amend said chapter, by inserting after the word "committee," in the eleventh line, the words "authorized by the House to take testimony," which motion was negatived.

On motion of Mr. Wisner, said title was laid upon the table.

On motion, the House adjourned until ten o'clock to-morrow morning.

Wednesday, November 15.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Ballard, Kingsley, Munger, Monfore, McKeen, McCamly, Mosely, Thayer and Yerkes.

The proceedings of the previous day being read,

Mr. Cornell presented a petition from certain inhabitants of township one south, range three west, in the county of Jackson, for the organization of a certain town. Referred to committee on organization of towns and counties.

Mr. Alden, from the select committee to which was referred the ninth title of the revised laws, reported the same to the House without amendment.

On motion, the House resumed, as in committee of the whole, the consideration of title one of the revised laws.

On motion of Alden, the motion yesterday laid upon the table, viz: to strike out the third clause of chapter two of said title, was taken up, and on his motion the question on striking out said third clause, was decided by yeas and nays, in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Felch,	Mr. Levake,
Mr. Brown,	Mr. Foote,	Mr. Purdy,
Mr. Bingham,	Mr. Gilbert,	Mr. Phillipa,
Mr. Burbank,	Mr. Herrington,	Mr. Ralph,
Mr. Butler,	Mr. Howe,	Mr. Shattuck,
Mr. Cressey,	Mr. Haskins,	Mr. Shellhouse,
Mr. Calkin,	Mr. Heath,	Mr. Wing,
Mr. Cornell,	Mr. Kellogg,	Mr. Wisner,
Mr. Eldred,	Mr. King,	Mr. Yerkes,
Mr. Ferrington,	Mr. Lothrop,	Mr. Speaker,

NAYS.

Mr. Ely,

Mr. Job Smith,

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On motion of Mr. Cressey, the House proceeded to the consideration of title nine of the revised laws.

Mr. Eldred moved to amend the fourth clause of section one of chapter forty-five, by striking out the words "two years," and inserting "six months" in lieu thereof; which motion was negatived.

Mr. Burbank moved further to amend said title, by inserting after the word "minor," in the ninth clause of section one, the words "of the age of fourteen years and upwards;" which motion was decided in the affirmative.

On motion of Mr. Burbank, said title was further amended, by striking out the word "grandchildren," in section three, second line of chapter forty-six, and inserting the word "or" after the word "grandmother."

Mr. Wing moved further to amend said title, by striking out the word "one," in the third line of section thirteen, and insert "five" in lieu thereof.

Mr. McGaffey moved to amend the amendment, by striking out the words "at the rate of one dollar a week," and inserting the words "reasonable charges" in lieu thereof. The mover accepted the amendment.

Mr. Burbank moved further to amend the amendment, by striking out all after the word "shall," in the third line, and insert the words "be required to pay therefor all necessary and reasonable charges."

Pending which motion,

On motion of Mr. Alden, the several amendments were laid on the table, and the further consideration of said title was postponed until to-morrow.

On motion, the House adjourned until to-morrow at ten o'clock, A. M.

Thursday, November 16.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Ferrington, Kingsley, Levake, Munger, Martin, Monfore, McKeen, McCamly and Mosely.

The proceedings of the previous day having been read, Mr. Haskins asked and obtained leave of absence for Mr. Wisner, for an indefinite period.

The Chair announced the following message from the Senate :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return to the House of Representatives, the bill entitled "A bill to amend an act entitled 'An act authorizing a loan of a sum not exceeding five millions of dollars,' approved March 21, 1837," with an amendment, in which the concurrence of the House of Representatives is respectfully requested.

The bill entitled "An act to amend an act entitled 'An act authorizing a loan of a sum not exceeding five millions of dollars,'" was taken up, and the amendment made thereto by the Senate concurred in. Said bill as amended was then passed.

Mr. Kellogg presented the credentials of Mr. Emanuel Case, a member elected from the counties of Washtenaw and Livingston, to fill the vacancy occasioned by the resignation of Mr. Thomas Lee, who, after taking the oath of office, took his seat as a member of the House.

Mr. Cornell presented a petition from sundry inhabitants of the township of Concord, in the county of Jackson, praying for a division of the township. Referred to the committee on towns and counties.

Mr. Wing, from the select committee to which was referred title five, part first of the revised laws, reported the same to the House, with sundry amendments, which were laid upon the table.

Mr. Felch, from the select committee to which was referred title three, part first of the revised laws, reported the same to the House with sundry amendments.

On motion of Mr. Felch, the House took up the consideration, as in committee of the whole, of title three of the revised

laws, with the amendments reported by the select committee, to the same.

Mr. Wisner moved to fill the blank in the section one of chapter fourteen, with the words "four thousand."

Mr. Burbank moved to fill the blank with the words "one thousand."

Mr. Gilbert moved to fill the blank with the words "two thousand."

The question on filling the blank with the words "four thousand," was decided in the negative.

The question on filling the blank with the words "two thousand," was decided in the affirmative.

Mr. Lothrop moved to fill the blank in section five of said chapter, with the words "one thousand."

Mr. Wisner moved to fill the blank with "twelve hundred."

Mr. Burbank moved to fill the blank with "eight hundred."

The question on filling the blank with "twelve hundred," was negatived.

The question on filling the blank with "one thousand," was decided in the affirmative.

On motion of Mr. Felch, the proviso to the tenth section was stricken out, and on his motion, said section was further amended, by striking out the words "in some specie paying bank at the seat of government," in the second and third lines, and insert "in such bank as the legislature shall designate, but when no such designation is made, the treasurer shall have full charge of, and be responsible for, the same."

On motion of Mr. Lothrop, the eleventh section was amended, by inserting after the word "year," in the second line of said section, the words "and at such other times as shall be required by either branch of the legislature."

Mr. Cornell moved to fill blank in section twelve of said chapter, with the words "eight hundred."

Mr. McGaffey moved to fill said blank with "one thousand," which was negatived.

The question on filling said blank with "eight hundred" was decided in the affirmative.

On motion of Mr. Lothrop, section seventeen was amended by inserting after the word "year," in the second line, the words "and at such other times as he shall be required by either branch of the legislature."

Mr. Gilbert moved to fill blank in section nineteen with "five hundred."

Mr. Cornell moved to fill said blank with "one thousand," which was decided in the affirmative.

On motion of Mr. Ely, said section was amended by striking out all after the word "services," in the third line.

On motion of Mr. Lothrop, section twenty-three was amended, by inserting after the word "treasurer," the words "or bank commissioner."

Mr. Lothrop moved to fill blank in twenty-fourth section, with the word "five."

Mr. Jos. Smith moved to fill said blank with "eight," which was negatived.

The question on filling blank with the word "five," was decided in the affirmative.

On motion of Mr. King, the House adjourned until two o'clock this afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Alden,

Resolved, That a select committee of five members be appointed to investigate and report to this House the probable amount of business necessarily devolving upon the several offices of Secretary of State, Auditor General, Treasurer and Attorney General.

The Chair announced the following committee : Messrs. Alden, Calkin, Burbank, Felch and McGaffey.

The unfinished business of the morning was taken up, viz : the consideration of title three, with the amendments made thereto by the select committee.

The question being upon agreeing to the amendment made by the select committee, viz : to insert after the word "and," in the fourth line of section three, chapter fifteen, the words "completing

or," and after the word "buildings," same line, same section, the words "and for the building of bridges and repairing roads within the county, as provided by law," it was agreed to.

The question being upon agreeing to the amendment made by the select committee, viz: to insert after the word "treasurer," in the second line of the fourth section, same chapter, the words "to the governor of the late territory of Michigan," and after the word "county," same section, the words "the inhabitants thereof," it was agreed to.

On motion of Mr. Lothrop, said chapter was further amended, by inserting after the word "Van Buren," in the tenth and eleventh sections, the word "Kent."

Mr. Bingham moved further to amend said chapter, by striking out section thirteen, which motion was negatived.

Mr. Burbank moved further to amend said title, by striking out the first section of chapter sixteen.

On motion of Mr. Alden, the motion was laid upon the table. And on his motion, the House adjourned.

Friday, November 17.

The House met pursuant to adjournment.

The roll being called, the following members were absent:

Messrs. Almy, Brown, Cressey, Cornell, Case, Farrington, Kingsley, Martin, Monfore and Thayer.

The proceedings of the previous day being read,

Mr. McCamly presented a petition from sundry inhabitants of the county of Eaton, praying for the organization of said county. Referred to committee on organization of towns and counties.

Also, a petition from sundry inhabitants of the county of Calhoun, praying for an alteration in the state road from Battle Creek to Coldwater. Referred to committee on roads and bridges.

Mr. Purdy offered the following resolution, which lays over one day.

Resolved, (if the honorable Senate concur herein,) That the Rev. Oliver C. Comstock be invited to perform divine service in the hall of the House of Representatives every Sabbath forenoon

during the present session, for the benefit of both houses of the legislature.

Mr. Gilbert asked and obtained leave of absence for Mr. Brown, until Monday next.

Mr. Butler presented the credentials of Mr. James Field, from Lenawee county, elected to fill the vacancy occasioned by the resignation of Mr. Asahel Finch, jr., who, after subscribing to the oath of office, took his seat as a member of the House.

The unfinished business of yesterday, viz: the consideration of title three, was taken up, and the question recurring upon striking out section one of chapter sixteen,

On motion of Mr. Lothrop, it was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Bingham,	Mr. Ferrington,	Mr. Munger,
Mr. Burbank,	Mr. Foote,	Mr. Purdy,
Mr. Butler,	Mr. Field,	Mr. Phillips,
Mr. Cressey,	Mr. Gilbert,	Mr. Ralph,
Mr. Calkin,	Mr. Herrington,	Mr. Shattuck,
Mr. Cornell,	Mr. Haskins,	Mr. Shellhouse,
Mr. Eldred,	Mr. Kellogg,	Mr. Yerkes,

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NAYS.

Mr. Alden,	Mr. Heath,	Mr. McCamly,
Mr. Ballard,	Mr. King,	Mr. Mosley,
Mr. Burke,	Mr. Lothrop,	Mr. Job Smith,
Mr. Case,	Mr. Levake,	Mr. Jos. Smith,
Mr. Ely,	Mr. Martin,	Mr. Wing,
Mr. Felch,	Mr. McGaffey,	Mr. Speaker,
Mr. Howe,	Mr. McKeen,	

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The question being upon agreeing to the amendment reported by the select committee to which was referred title three, viz: to insert in the fifth line of section one, chapter seventeen, after the word "Senate," the words "or both branches of the legislature," it was agreed to.

The question being upon agreeing to the following amendment of the select committee, viz: to insert after the word "duty," in the seventh line, and also after the word "duty," in the thirteenth line of section four, chapter seventeen, the words "on conviction of an infamous crime, or of any offence involving a violation of the oath of office;" it was agreed to.

Mr. Burbank moved further to amend said section, by striking out the word "governor," in line fourth, and insert the words "judges of circuit courts," which was negatived.

Mr. Burbank moved further to amend said section, by striking out the words "associate judges of circuit court," in the first line, which motion was negatived.

The following message was received from the Executive :

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State, an act entitled "An act to amend an act entitled 'An act authorizing a loan of a sum not exceeding five millions of dollars,' approved March 21, 1837."

STEVENS T. MASON.

November 17, 1837.

The question being on agreeing to the amendment reported by the select committee, viz : to insert after the word "duty," in the sixth line, section five of said chapter, the words, "or on conviction of an infamous crime, or of any offence involving a violation of the oath of office," and after the word "neglect," same line, same section, the words "or conviction," it was agreed to.

On motion of Mr. McGaffey, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Felch, the House took up the consideration, as in committee of the whole, of title five of the revised laws, with the amendments reported by the select committee on said title, and heretofore laid upon the table.

On motion of Mr. Bingham, the sixth clause of section four was amended by striking out all after the word "sheep," in the fifteenth line.

Mr. McGaffey moved to strike out the seventh clause of section four of said chapter, which motion was decided in the negative.

Mr. McKeen moved to amend said section, by adding the following : "with the materials obtained for, or in the process of manufacture by any mechanic or manufacturer," which motion was negatived.

Mr. Jos. Smith moved further to amend said section, by adding the following :

"Sec. 9. All improvements of and under the value of five hundred dollars, and buildings erected thereon of the value of two hundred and fifty dollars or under, on lands actually used and occupied for farming purposes. But should improvement exceed the value of five hundred dollars, and the said buildings exceed the value of two hundred and fifty dollars, then and in such case, the excess over and above the said sums shall be subject to assessment and taxation."

On motion of Mr. Jos. Smith, the question was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,
Mr. Bingham,
Mr. Burke,
Mr. Cornell,
Mr. Case,
Mr. Eldred,
Mr. Ferrington,

Mr. Field,
Mr. Foote,
Mr. Howe,
Mr. Kellogg,
Mr. Munger,
Mr. Purdy,

Mr. Ralph,
Mr. Job Smith,
Mr. Shattuck,
Mr. Jos. Smith,
Mr. Shellhouse,
Mr. Speaker,

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NAYS.

Mr. Burbank,
Mr. Ballard,
Mr. Cressey,
Mr. Calkin,
Mr. Felch,
Mr. Gilbert,

Mr. Herrington,
Mr. Heath,
Mr. King,
Mr. Lothrop,
Mr. Martin,

Mr. McGaffey,
Mr. McKeen,
Mr. Mosely,
Mr. Wing,
Mr. Yerkes,

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On motion of Mr. Calkin, said section was further amended, by adding to the fourth clause, the following : "and each householder may possess one cow which shall be exempt from taxation."

Mr. Felch moved further to amend said section, by striking out the fourth clause, and inserting "all property which shall by law be exempt from execution and distress."

A division of the question being called for, the question on striking out was decided in the negative.

On motion of Mr. Lothrop, the amendment was laid upon the table.

On motion of Mr. Lothrop, chapter twenty-two was amended,

by striking out the word "assessors" wherever it occurs, and insert the word "assessor."

The question being upon agreeing to the report of the select committee, viz: to insert in sixth line of section one, after the word "taxation," the following: "in which list the estate therein mentioned shall be described by boundaries, numbers, or otherwise in such manner as to identify the same," it was agreed to.

Mr. Lothrop moved to strike out sections two, three, four, five, six and seven of said chapter.

On motion of Mr. Bingham, said motion was laid upon the table.

On motion of Mr. McGaffey, the House adjourned.

Saturday, November 18.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Farrington, Haskins, Kingsley and Monfore.

The proceedings of the preceding day being read,

Mr. Ely presented a petition from sundry inhabitants of Allegan county, to amend section fifteen of "An act appointing commissioners to lay out and establish certain state roads," which was referred to the committee on roads and bridges.

Mr. Lothrop, from the select committee to which was referred title eleven, reported the same to the House with amendments, which were laid on the table.

The joint resolution yesterday laid upon the table by Mr. Purdy, relative to a chaplain, was taken up for consideration, and on motion of Mr. Purdy, was passed.

On motion of Mr. Cressey, the House resumed the consideration, as in committee of the whole, of title three.

Mr. Cressey moved to reconsider the vote taken upon striking out section one, chapter sixteen.

On motion of Mr. Burbank, the motion was laid upon the table.

The unfinished business of yesterday was taken up, viz: the consideration of title five.

On motion of Mr. Cornell, the vote on striking out the word

"assessors," wherever it occurs in chapter twenty-two, and inserting the word "assessor," was reconsidered.

The question recurring on striking out the word "assessors," and inserting the word "assessor," as above, it was decided in the negative.

Mr. Lothrop moved to strike out section second of said chapter, and insert the following in lieu thereof:

"Sec. 2. The assessors of each township shall in every year between the day of and the day of according to the best evidence in their power, either by visiting the residence of each individual, or enquiring, personally, of the owner or occupant of any estate, real or personal, to be taxed, make out a true list of all the estate, real and personal, not exempted from taxation, within their townships, respectively, and shall appraise the same at its true cash value, and shall require merchants, tavern keepers, and all other persons upon whom a specific tax is imposed by law, to give in a statement of their occupation, on account of which such a specific tax is imposed," which was decided in the affirmative.

Mr. Mosely moved to strike out sections three and four of said chapter, and insert the following in lieu thereof, which was agreed to:

"Sec. 3. The assessors may require from each individual liable to be taxed, a list of property subject to taxation, together with a description of the same, and may require the same to be given in under oath; and said assessors, or either of them, shall have the power to administer the same."

Mr. Felch moved to amend section two, by striking out the word "not," after personal, and insert "designating such property as is," which was decided in the negative.

Mr. King moved that the House adjourn, which motion was lost.

On motion of Mr. Burbank, the House adjourned until two o'clock this afternoon.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the House took up the unfinished busi-

ness of the morning, viz: the consideration of title five of the revised laws.

On motion of Mr. Lothrop, sections five and six of chapter twenty-two, were stricken out.

On motion of Mr. Lothrop, section eight of chapter twenty-two was amended by striking out in the second and third lines the words "in the manner directed in the second section of this chapter," and inserting in lieu thereof the words "by posting up in three of the most public places."

Mr. Burbank moved to amend section nine by inserting after the word "assess" in the seventh line, the word "at," which was agreed to.

The question being upon agreeing to the amendment reported by the select committee to which was referred title five, viz: to insert after the word "the" in sixth line of section ten, the words "description, quantity and," it was agreed to.

On motion of Mr. Lothrop, section eleven was amended by inserting after the word "of," in third line, the words "resident and."

On motion of Mr. Ralph, section fifteen was amended by striking out the word "fifteenth," in first line of said section, and inserting the word "first" in lieu thereof.

Mr. Burbank moved to amend section ten by inserting previous to the word "value" in seventh line, the words "description and," which motion was negatived.

Mr. Lothrop moved further to amend said section by striking out in the sixth line, the words "description, quantity and," which motion was carried.

Mr. Lothrop moved to strike out all after the word "county" in tenth line of section seventeen, which was decided in the negative.

The question being upon agreeing to the amendment reported by the select committee to which was referred title five, viz: adding to section four of chapter twenty-three, the words "with the taxes annexed to each valuation, a copy of which they shall, within the space of three days, transmit to the county treasurer," it was decided in the negative.

On motion of Mr. Calkin, the following words were added as

amendatory to said section, viz : " with the taxes annexed to each valuation."

On motion of Mr. Kellogg, the House adjourned.

Monday, November 20.

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Almy, Case, Ferrington, Felch, Levake, Martin, and McCamly.

Mr. Eldred asked and obtained leave of absence for Mr. Butler, indefinitely.

Mr. Calkin asked and obtained leave of absence for Mr. Foote, until to-morrow.

Mr. Jos. Smith offered the following resolution, to wit :

Resolved, That the committee on the militia be instructed to prepare and report to this House a bill to provide for organizing and disciplining the militia of this state, which, on motion of Mr. Cornell, was laid upon the table.

On motion of Mr. Lothrop, the House took up for consideration, chapters, sixty, sixty-one, and sixty-two of title eleven of the revised laws.

The question being upon agreeing to the amendment reported by the select committee to which was referred title eleven, viz : to strike out in section nine of chapter sixty, the words " a stated," in the third line, and insert the word "an" in lieu thereof, it was agreed to.

The Speaker, (Mr. Wing in the chair,) moved further to amend said section, by striking out the word "until," in same line, and insert the word "unless," which was agreed to.

Mr. Case moved further to amend said section by striking out the word "six" in line fourth, and insert the word "three" in lieu thereof, which was agreed to.

The question being upon agreeing to the amendment reported by the committee to which was referred title eleven of the revised laws, viz : to add as a proviso to section eleven, the following words, to wit : " provided, thirty days' previous notice of such application have been given in some newspaper published

in the county, if there be one published in the county, and if not, by posting up such notices in three public places in said county; it was agreed to.

The question being upon agreeing to the amendment reported by the select committee to which was referred title eleven of the revised laws, viz: to strike out in chapter sixty-one, section two, in the second and third lines, the words, "who shall be sworn to the faithful discharge of his duties;" it was agreed to.

Mr. McGaffey moved to strike out the word "seven" in the fourth line of section three of chapter sixty-two, and insert the word "twenty," which was decided in the affirmative.

The question being upon agreeing to the amendment reported by the select committee to which was referred title eleven, viz: to strike out the word "or" in the fifth line of section three, and insert the word "and;" it was decided in the negative.

The question being upon agreeing to the amendment reported by the select committee to which was referred title eleven, viz: to insert after the word "thereof," in the third line of section eight, the words "or the bank commissioner;" it was decided in the negative.

Mr. McGaffey moved to amend section seventeen by striking out the words "but without any," in the fourth line, and inserting the word "making," which was decided in the negative.

On motion of Mr. Alden, the House took up the unfinished business of Saturday, viz: the consideration of title five of the revised laws.

Mr. Case moved to amend chapter twenty-four by inserting in second line of section two, after the word "him," the words "within thirty days after payment shall have been demanded," which was decided in the negative.

Mr. Alden moved further to amend said section by inserting after the word "neglect," in the first line, the words "space of ten days after such demand," which was decided in the negative.

On motion of Mr. McGaffey, the second section of chapter twenty-four was amended by striking out all after the word "collector," in the fourth line.

On motion of Mr. Bingham, said section was further amended

by striking out the word "six," in the third line, and inserting the word "ten" in lieu thereof.

On motion of Mr. Lothrop, section four was amended by striking out the word "supervisor" in ninth line, and inserting "treasurer" in lieu thereof.

The question being upon agreeing to the following amendment reported by the select committee to which was referred said title, viz: to strike out the words "county treasurer," in third line of section nine, and insert "supervisors of his township," also to strike out the words "county treasurer," in the fourth line, and inserting the words "said supervisor," also to insert after the word "unpaid" in the sixth line, the words "and if he shall be able to satisfy the said supervisor by his oath or otherwise;" it was decided in the negative.

The question being upon agreeing to the following amendment reported by said select committee, viz: to insert after the word "oath," the words "in writing;" it was agreed to.

Mr. Lothrop moved to strike out section four of chapter twenty-five, which motion was decided in the negative.

On motion of Mr. McKeen, chapter twenty-five was amended by striking out all between the word "tax," in the fourth line, and the word "the" in the seventh line of section four, and by adding to said section the following words, to wit: "on the lands of non-residents."

Mr. Burbank moved further to amend said chapter by striking out the word "prison," in the first line of section five, and insert the word "non-resident."

Mr. Calkin moved to amend the amendment by inserting after the word "made," in the third line of said section, the words, "and after the collector shall have made his returns;" it was decided in the affirmative.

On motion of Mr. Lothrop, the House adjourned to two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The unfinished business of the morning, viz: the consideration of title five, with the amendments reported by the select committee to which said title was referred, was taken up.

Mr. Jos. Smith moved to amend section twenty-one of chap-

ter twenty-five of said title, by striking out the word "fourteen," in line three, and inserting "twenty-five," and, on his motion, the question was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Bingham,	Mr. Haskins,	Mr. Mosely,
Mr. Burbank,	Mr. Heath,	Mr. Purdy,
Mr. Burke,	Mr. Kellogg,	Mr. Phillips,
Mr. Calkin,	Mr. Levake,	Mr. Ralph,
Mr. Cornell,	Mr. Munger,	Mr. Job Smith,
Mr. Case,	Mr. Martin,	Mr. Shattuck,
Mr. Ferrington,	Mr. Monfore,	Mr. Jos. Smith,
Mr. Gilbert,	Mr. McKean,	Mr. Thayer,
Mr. Howe,	Mr. McCamly,	26

NAYS.

Mr. Alden,	Mr. Farrington,	Mr. Shellhouse,
Mr. Ballard,	Mr. Field,	Mr. Wing,
Mr. Cressey,	Mr. Herrington,	Mr. Yerkes,
Mr. Eldred,	Mr. King,	11

Mr. McKean moved to amend chapter twenty-six, by striking out "two years," in the second line of section one, and insert "three months," in lieu thereof; and, on his motion, it was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Bingham,	Mr. Herrington,	Mr. Mosely,
Mr. Burke,	Mr. Howe,	Mr. Purdy,
Mr. Calkin,	Mr. Lothrop,	Mr. Phillips,
Mr. Cornell,	Mr. Levake,	Mr. Ralph,
Mr. Case,	Mr. Munger,	Mr. Job Smith,
Mr. Eldred,	Mr. Martin,	Mr. Shattuck,
Mr. Ely,	Mr. Monfore,	Mr. Jos. Smith,
Mr. Ferrington,	Mr. McKean,	Mr. Thayer,
Mr. Farrington,	Mr. McCamly,	Mr. Wing,
Mr. Field,		28

NAYS.

Mr. Alden,	Mr. Cressey,	Mr. King,
Mr. Burbank,	Mr. Gilbert,	Mr. Shellhouse,
Mr. Ballard,	Mr. Haskins,	Mr. Yerkes,
		9

On motion of Mr. Alden, said chapter was further amended, by striking out "capitol in the city of Detroit," and inserting "county seats in which land may lay" in lieu thereof, in the ninth line of section eleven.

Mr. Jos. Smith moved further to amend said chapter, by striking out section nine, which was decided in the negative.

On motion of Mr. Lothrop, section ten was amended, by inserting after the word "notice," in first line, "the treasurers of the several counties, under the direction of."

On motion of Mr. Lothrop, said chapter was further amended, by striking out the words "attorney general" in the fourth line of section eleven, and inserting the words "prosecuting attorney of said county."

On motion of Mr. Alden, section twelve was amended by striking out the words "auditor general," in the first line, and inserting "county treasurer" in lieu thereof.

On motion of Mr. Alden, section thirteen was amended by inserting in the fifth line, after the word "twenty," the word "five."

Mr. Eldred moved to amend section eighteen, by inserting after the word "interest," in the fifth line, the words "at the rate of twenty-five per centum per annum," which was decided in the negative.

On motion of Mr. Burbank, said chapter was further amended by striking out section twenty.

Mr. Lothrop moved to strike out section twenty-one of said chapter, which was decided in the negative.

On motion of Mr. Eldred, said section was amended by striking out the words "in addition to such notice," in the first line, and after the word "shall," in same line, same section, the word "also."

On motion of Mr. Alden, section twenty-four was amended by striking out in the first line the words "auditor general," and also in the fourth line the words "auditor general," and substituting in lieu thereof the words "treasurers of the several counties, under the direction of the auditor general."

Mr. Lothrop moved the House adjourn until seven o'clock this evening, which was negatived.

On motion of Mr. Alden, the House adjourned.

Tuesday, November 21.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Ballard, Howe, Kingsley, Monfore, McCamly, Mosely.

On motion of Mr. Lothrop, the Speaker appointed Messrs. Bingham and Case to fill the vacancies occasioned by the resignation of Messrs. Ward and Finch, in the committee on banks and incorporations.

On motion of Mr. Lothrop, title eleven was taken up for consideration, and on his motion was ordered to be engrossed for a third reading to-day.

On motion of Mr. McGaffey, the engrossed title, title eleven, was taken up, read the third time and passed.

On motion of Mr. Wing, the House took up the unfinished business of yesterday, viz : the consideration of title five.

The question being upon agreeing to the amendment reported by the select committee to which was referred title five, viz : to strike out the word "ten," in the twenty-first line of section four, and insert the word "fifty" in lieu thereof, it was, on motion of Mr. Bingham, decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Cressey,	Mr. Heath,	Mr. Mosely,	
Mr. Ely,	Mr. Lothrop,	Mr. Jos. Smith,	
Mr. Farrington,	Mr. McGaffey,	Mr. Wing,	9

NAYS.

Mr. Alden,	Mr. Field,	Mr. McKeen,	
Mr. Bingham,	Mr. Herrington,	Mr. Purdy,	
Mr. Burbank,	Mr. Haskins,	Mr. Phillips,	
Mr. Ballard,	Mr. Kellogg,	Mr. Ralph,	
Mr. Burke,	Mr. King,	Mr. Shattuck,	
Mr. Case,	Mr. Munger,	Mr. Thayer,	
Mr. Eldred,	Mr. Martin,	Mr. Yerkes,	
Mr. Ferrington,	Mr. Monfore,	Mr. Speaker,	24

Mr. Lothrop moved to amend section four by striking out the word "ten," in the twenty-first line, and insert the word "thirty;" Mr. Mosely moved to amend the amendment by striking out the words "on foot or otherwise," in line nineteenth, and also the word "ten," in the twenty-first line, and insert the word "thirty;" also to add to the section the words "and those on foot for the like purpose, the sum of ten dollars," which was decided in the affirmative.

On motion of Mr. Case, in the eleventh line of said section, the word "five" was stricken out and the word "ten" inserted.

On motion of Mr. Kellogg, the words "and each distiller of ardent spirits, the sum of fifty dollars."

On motion of Mr. Eldred, said section was further amended by inserting after the word "keeper," in the eleventh line, the words "selling ardent spirits, wines or fermented liquors."

On motion of Mr. Eldred, said section was further amended by striking out the word "ten," in sixteenth line, and inserting "twenty" in lieu thereof.

On motion of Mr. McKeen, said section was further amended by inserting after the word "village," in the ninth line, the words "selling ardent spirits, wines or fermented liquors."

On motion of Mr. Jos. Smith, section four was further amended by adding as a proviso, the following words: "that nothing herein contained shall prevent any mechanic residing in the state, from selling his work any where in the state."

On motion of Mr. McKeen, section nine was amended by striking out the word "ten" in third line, and inserting the words "herein provided."

On motion of Mr. Thayer, the House adjourned until two o'clock.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The unfinished business of the morning, viz: the consideration of title five, was taken up, and after some time spent in the consideration of the same, on motion of Mr. Alden, said title was laid upon the table.

On motion of Mr. Alden, title nine, heretofore laid upon the table, was taken up for consideration, as in committee of the whole.

Mr. Lothrop moved to strike out section twelve of chapter forty-six, which was negatived.

On motion of Mr. Bingham, section thirteen was amended by striking out the words "not in any case," and all after the word "therefor," in third line, and inserting after the word "therefor," the words "all reasonable charges."

On motion of Mr. Ralph, section twelve of chapter forty-nine was amended by inserting after the word "Indian," in the second line, the words "common drunkard."

Mr. Lothrop moved to amend section one of chapter fifty, by striking out all after the word "who," in the first line, which was negatived.

On motion of Mr. Calkin, section one of chapter fifty-one, was amended by striking out the words "Lord's day," in the fourteenth line, and insert the words "first day of the week."

Mr. McKeen moved to amend section seven of chapter fifty-one by striking out all after the word "person," in the first line of said section, to the word "shall," in third line of said section, which was negatived.

On motion of Mr. Lothrop, the House adjourned.

Wednesday, November 22.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Kellogg, Levake, Martin, McCamly, Phillips.

Mr. Alden, from the select committee appointed to enquire into the duties of sundry state officers, made the following report, which was laid upon the table:

Mr. SPEAKER—The committee appointed under a resolution of this house, to investigate and report the probable amount of duty necessarily devolving on each of the following state officers, viz: Secretary of State, Auditor General, Attorney General and Treasurer, in the discharge of their duty, beg leave to report:

That they have repaired to the several offices above specified, and after as full an examination as the attendant circumstances would permit, have come to the following conclusion, viz: That the duties required by the constitution and statutes, to be performed by each of the officers of Secretary of State, and Auditor General, the ensuing year, will engross the time, with the most constant and unremitting attention, of at least one person. The amount of actual labor which will be required of the Attorney General and Treasurer, it is believed will not be as great; yet a daily, and for the most part, a constant attendance at their respective offices, will be necessary, and their duties will be constantly increasing.

Your committee beg leave further to observe, that in fixing the salaries of our state officers, while the representatives of the people ought to be governed by a strict regard to a rigid economy, yet it is believed, in this, as in other transactions, the principle holds good, that "a low priced article may not be the cheapest;"

that an inadequate salary may, perhaps, fill a vacancy, yet it cannot be expected that those offices can be filled by persons possessing the requisite qualifications and devotion to the public interests, which will be expected by the people, without a liberal compensation.

Entertaining these views, your committee would recommend the following as the amount to be fixed for the salaries of each of the above named officers respectively, viz :

For the Secretary of State,	\$1,000 00
Auditor General,	1,000 00
Attorney General,	700 00
Treasurer,	600 00

Mr. Case asked and obtained leave of absence for Mr. Kellogg, for the space of one week.

On motion of Mr. Felch, titles one, three, five and seven, part first of the revised laws, were referred to select committees.

On motion of Mr. McGaffey, the House took up the unfinished business of yesterday, viz : the consideration of title nine, part first.

On motion of Mr. Ralph, section two of chapter sixty-two was stricken out.

On motion of Mr. Burbank, section three was amended by striking out in the fourth line, the words "to the use of such county."

On motion of Mr. Jos. Smith, section four was amended by striking out all after the word "employment," in the seventh line.

On motion of Mr. Lothrop, section three was amended by striking out all after the word "dollars," in the second line, and insert after the word "township," in same line, the words "not less than five, nor more than."

On motion of Mr. Burbank, section one of chapter fifty-three was amended by striking out the word "treble" in fourth line, and inserting the word "double."

Mr. McKeen moved to strike out section four of chapter fifty-four, which was negatived.

On motion of Mr. McGaffey, section five of chapter fifty-four was amended by inserting after the word "drifted," in line four, the words "except as herein provided for."

On motion of Mr. Lothrop, section two of chapter fifty-five

was amended by striking out the words "and cause the same to be cried or published in some newspaper."

On motion of Mr. Ralph, the word "crier," in line five of section four, in said chapter, was stricken out.

On motion of Mr. Lothrop, sections six and seven of said chapter, were amended by striking out the word "three" wherever it occurs, and substitute in lieu thereof, the word "six."

On motion of Mr. Ralph, section seven was further amended by striking out the word "four," in the third line, and inserting the word "ten," in lieu thereof.

On motion of Mr. Burbank, the following proviso was added to section two of said chapter, to wit: "Provided, That no stray beast except horses, shall be taken up between the months of March and November."

On motion of Mr. Burbank, section one of chapter fifty-six was amended by striking out in the fourth and fifth lines, the words "upon such terms and conditions as they shall think reasonable," and inserting in lieu thereof the words "by paying a sum not less than five nor more than one hundred dollars, at the discretion of the town board."

On motion of Mr. Burbank, section three of said chapter was amended by striking out the word "and," in the first line, and inserting the word "or."

On motion of Mr. Ferrington, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the following message was received from the Senate, through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill, which has passed the Senate, entitled "A bill amendatory and in addition to 'An act allowing and regulating writs of replevin,' approved April 4th, 1833," and in which the concurrence of the House of Representatives is respectfully requested.

The bill from the Senate entitled "A bill amendatory and in addition to 'An act allowing and regulating writs of replevin,' ap-

proved April 4th, 1833," was taken up, read the first and second times, and on motion of Mr. Lothrop, was committed to the committee on the judiciary.

The Chair announced the following select committees on titles one, three, five and seven, of part second of the revised laws :

On title one, Messrs. Wing, Lothrop, Howe, McGaffey and Jos. Smith.

On title three, Messrs. Felch, Field, Eldred, Haskins and Farrington.

On title five, Messrs. Kingsley, Bingham, Purdy, Job Smith and Gilbert.

On title seven, Messrs. Mosely, Burke, Alden, Wisner and Yerkes.

The unfinished business of the morning, viz : the consideration of title nine of the revised laws, was taken up.

On motion of Mr. Eldred, chapter fifty-five was amended by striking out section two, and inserting the following in lieu thereof :

"Sec. 2. It shall not be lawful for any person to take up any beast as stray (horses excepted,) between the months of March and November, and every person who shall take up any stray beast after the first day of November, and before the first day of April, shall within ten days cause notice thereof to be entered with the town clerk, in a book to be provided for that purpose, containing a description of the color and of the marks both natural and artificial of the beast or beasts ; and if the owner thereof shall not within sixty days reclaim said beast, and pay all reasonable charges, then the person taking up said beast, shall cause a notice with a description of said beast to be published in a newspaper published in the same or the adjoining county, which notice shall be continued for at least eight weeks.

Mr. Ballard moved to amend chapter fifty-six, by inserting after the word "cattle," in the fifth line of section ten, the word "swine," which was negatived.

Mr. Lothrop moved to amend chapter fifty-seven, by striking out the words "receiving deposits, making discounts, or," in the third line of section one ; and on motion of Mr. Bingham, the

question was decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Brown,	Mr. Ferrington,	Mr. Munger,
Mr. Bingham,	Mr. Farrington,	Mr. Monfore,
Mr. Ballard,	Mr. Field,	Mr. McGaffey,
Mr. Cressey,	Mr. Herrington,	Mr. Ralph,
Mr. Calkin,	Mr. Howe,	Mr. Shattuck,
Mr. Cornell,	Mr. Haskins,	Mr. Shellhouse,
Mr. Case,	Mr. Kingsley,	Mr. Thayer,
Mr. Eldred,	Mr. Lothrop,	Mr. Speaker,
Mr. Ely,		

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NAYS.

Mr. Alden,	Mr. McKeen,	Mr. Wing,
Mr. Burbank,	Mr. Purdy,	Mr. Yerkes,
Mr. Burke,		

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Mr. Burbank moved to strike out section two of said chapter, which was negatived.

On motion of Mr. Lothrop, said chapter was further amended by striking out in section five, all of the third line to the word "issuing."

On motion of Mr. McKeen, said section was further amended by striking out the words "keep an office for," in second line, and substituting the word "issue" for "issuing," in the fourth line.

Mr. Lothrop moved further to amend said chapter, by inserting after the word "company," in the third line of section six, the words "or by any other corporation."

On motion of Mr. Bingham, the question was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Mosely,
Mr. Bingham,	Mr. Field,	Mr. Ralph,
Mr. Ballard,	Mr. Herrington,	Mr. Job Smith,
Mr. Burke,	Mr. Haskins,	Mr. Shattuck,
Mr. Cornell,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Case,	Mr. Lothrop,	Mr. Wing,
Mr. Eldred,	Mr. McGaffey,	Mr. Speaker,
Mr. Ely,	Mr. McKeen,	

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NAYS.

Mr. Burbank,	Mr. Monfore,	Mr. Yerkes,
Mr. Calkin,		

4

Mr. McKeen moved to amend chapter fifty-one of said title nine, by striking out section one and inserting the following in lieu thereof, which motion was decided in the negative :

"Sec. 1. No person shall keep open his shop, ware-house or work-house, except only for works of necessity and charity ; or be present at any dancing, or at any public diversion, show or entertainment, with intention to participate or take any part in any sport, game or play, on the first day of the week ; and every person so offending, shall be punished by a fine not exceeding five dollars for every offence."

Mr. McKeen moved further to amend said chapter, by striking out section four and insert the following in lieu thereof ; which motion was decided in the negative :

"Sec. 4. If any person shall issue, serve or execute any civil process from midnight preceding to midnight following the first day of the week, the same shall be void ; and the person serving or executing such process, shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process, unless the plaintiff, his agent or attorney shall make affidavit before the officer issuing such process, that the person against whom the same is sought to be issued or served, is indebted to the plaintiff, and as he verily believes, intends to leave the county, or is removing his property for the purpose of defrauding his creditors, and that he cannot safely delay until the succeeding day."

On motion of Mr. McKeen, section five was stricken out, and the following inserted in lieu thereof :

"Sec. 5. If any person shall at any time intentionally behave rudely or indecently, or in any way interrupt any assembly of people met for the purpose of worshipping God, he shall be punished by fine not less than five nor more than fifty dollars."

Mr. McKeen moved further to amend said chapter, by inserting after the word "day," in the third line, section seven, the words "or any person belonging to the society of Friends, called Quakers ;" which motion was decided in the negative.

On motion of Mr. Monfore, the House adjourned.

Thursday, November 23.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Butler, Martin, Monfore, Mosely, Phillips and Shattuck.

On motion of Mr. McGaffey, the House resumed the consideration of title three, part first of the revised laws.

The question being upon the vote taken upon striking out the first section of chapter sixteen of said title, it was decided in the affirmative.

The question recurring upon striking out said section, Mr. Purdy moved that the chapter be referred back to the committee on title three, with a view to make it conform to the supervision system, with instructions to amend so as to empower the board of supervisors, after equalizing the tax, to elect three of their number to constitute a board to do all other business relating to the board of supervisors.

Mr. Burbank moved to amend the amendment, which the mover accepted, viz: "and that such committee shall report their proceedings to each semi-annual sitting of the board, for their supervision."

The question being upon the reference, it was decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Brown,	Mr. Eldred,	Mr. Monfore,
Mr. Bingham,	Mr. Ferrington,	Mr. Purdy,
Mr. Burbank,	Mr. Gilbert,	Mr. Thayer,
Mr. Calkin,	Mr. Herrington,	Mr. Wisner,
Mr. Cornell,	Mr. Haskins,	Mr. Yerkes,
Mr. Case,	Mr. Munger,	

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NAYS.

Mr. Alden,	Mr. Heath,	Mr. McCamly,
Mr. Ballard,	Mr. Kingsley,	Mr. Mosely,
Mr. Burke,	Mr. King,	Mr. Ralph,
Mr. Cressey,	Mr. Lothrop,	Mr. Job Smith,
Mr. Ely,	Mr. Levake,	Mr. Jos. Smith,
Mr. Felch,	Mr. Martin,	Mr. Shellhouse,
Mr. Farrington,	Mr. McGaffey,	Mr. Wing,
Mr. Field,	Mr. McKeen,	Mr. Speaker,
Mr. Howe,		

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The question recurring upon striking out the said first section, it was, on motion of Mr. Bingham, decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Brown,	Mr. Ferrington,	Mr. Purdy,
Mr. Bingham,	Mr. Gilbert,	Mr. Ralph,
Mr. Burbank,	Mr. Herrington,	Mr. Shellhouse,
Mr. Calkin,	Mr. Haskins,	Mr. Thayer,
Mr. Cornell,	Mr. Munger,	Mr. Wisner,
Mr. Case,	Mr. Monfore,	Mr. Yerkes,
Mr. Eldred,		

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NAYS.

Mr. Alden,	Mr. Howe,	Mr. McKeen,
Mr. Ballard,	Mr. Heath,	Mr. McCamly,
Mr. Burke,	Mr. Kingsley,	Mr. Mosely,
Mr. Cressey,	Mr. King,	Mr. Job Smith,
Mr. Ely,	Mr. Lothrop,	Mr. Jos. Smith,
Mr. Farrington,	Mr. Levake,	Mr. Wing,
Mr. Felch,	Mr. Martin,	Mr. Speaker,
Mr. Field,	Mr. McGaffey,	

23

The question being upon agreeing to the amendment reported by the select committee to which was referred title three of part first of the revised laws, viz : of adding section three to section two so that they should constitute but one ; it was agreed to.

Also of agreeing to the amendment of said committee aforesaid, viz : of striking out section four of chapter ten, and substituting the following in lieu thereof, to wit : " the county commissioners shall meet at the office of the county clerk on some day, to be appointed by the clerk, not less than six nor more than fifteen days after the annual election in November in each year, and shall severally take and subscribe the oath of office required by the twelfth article of the constitution, and shall deposite the same with the county clerk. They shall organize by choosing one of their number chairman of the board, who shall preside at such meeting and at all other meetings during the year. In case of his absence at any meeting, the members present shall choose one of their number as temporary chairman ; it was agreed to.

Also of agreeing to the amendment of said committee as above, to said title, to amend said chapter by inserting between the fourth and fifth sections, the following, to wit :

"The county commissioners shall hold their annual meeting at the office of the county clerk, or at the court-house in their respective counties, on the Monday of in each year. They may also hold special meetings at such time and at such place within the county, (public notice being given thereof,) as they or a majority of them shall deem proper, and shall have power to adjourn from time to time, as they may think necessary." The question was decided in the affirmative.

Mr. Burbank moved to amend said chapter by striking out in the third and fourth lines of section five, the words "or if any of them shall be unable to attend any meeting of the board, by reason of sickness or other cause," which was negatived.

On motion of Mr. McKee, said section was further amended by striking out in fourth line, the words "or other cause."

On motion of Mr. Purdy, said section was further amended by striking out in the same line, the words "the sheriff."

The question being upon agreeing to the amendments reported by committee as aforesaid, viz: to insert after the word "met," in section five, the words "shall take and file the same oath of office;" also in section six, to strike out all after the word "county," in the second line, they were agreed to.

Mr. Field moved to add to section two, as amended, the following, to wit: "and shall, within six days thereafter, transmit the names of the commissioners so chosen, to the clerks of the several townships in the county; whose duty it shall be to make a record thereof in their respective offices, which was negatived.

The question being upon agreeing to the amendment reported by the select committee as aforesaid, viz: of adding to the proviso of section eight the following, to wit: "specifying the amount borrowed, and the purpose for which the sum is to be expended," it was negatived.

On motion of Mr. Lothrop, section seventeen was amended, by inserting after the word "compensation," in line two, the words "in full;" and inserting after the word "day," in line three, the words "and six and a quarter cents per mile for traveling to and from the board;" also to strike out the word "three," and insert "two" in lieu thereof, in line three.

On motion of Mr. Mosely, the following was inserted as sec-

"Sec. 79. Notaries public shall receive for their services such fees as shall be provided by law: Provided, however, That it shall not be competent for any president, director, cashier, clerk or other officer of a bank, who may be appointed notaries public, to receive fees for the performance of any of the duties of said office. On motion of Mr. Burbank, said title was ordered to be engrossed for a third reading.

The Chair announced the following messages from the Senate:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled "A bill to amend 'An act for the regulation of internal improvements and for the appointment of a board of commissioners,'" in which the concurrence of the House of Representatives is respectfully requested.

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit "A joint resolution relative to a suspension of the eighth joint rule of the Senate and House of Representatives," which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

The joint resolution from the Senate relative to the suspension of the eighth joint rule, was taken up and concurred in.

The bill from the Senate, entitled "A bill to amend 'An act for the regulation of internal improvement and for the appointment of a board of commissioners,'" was taken up, read a first and second times, and committed to the committee on internal improvement.

The following messages were received from the Senate, through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit titles four and six, of part first of the revision of the laws, as the same have passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit titles two and four of part second of the revision of the laws, as the same have passed the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Titles four and six of part first, and titles two and four of part second, of the revised laws, from the Senate, were, on motion of Mr. Alden, taken up and read a first and second times, and ordered to be committed to a select committee of three on each title, to be appointed.

On motion of Mr. Alden, the twenty-second rule was suspended, and the engrossed title, title three, part first of the revised laws, was taken up and read a third time.

Mr. McGaffey moved to fill the blank in section six of chapter fourteen, with "two hundred," which motion was negatived.

Mr. Ely moved to fill said blank with "one hundred," which was agreed to.

The unanimous consent of the House being obtained, Mr. Burbank moved to amend section twelve, chapter fourteen, by striking out "eight hundred," in the second line, and insert "seven hundred," which was negatived.

The unanimous consent of the House being obtained, on motion of Mr. Alden, section twenty-four of said chapter was amended by striking out "five," in the first line, and inserting "seven."

On motion of Mr. Shellhouse, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Title three having been read a third time this morning, the consideration of said title was resumed.

On motion of Mr. Burbank, said title was recommitted to the select committee on said title.

Mr. Wing asked and obtained leave of absence for Mr. Felch, until Tuesday next.

Mr. Cressey asked and obtained leave of absence for Mr. Field, for ten days.

Mr. Yerkes asked and obtained leave of absence for Mr. Phillips, until Monday next.

On motion of Mr. Wing, the consideration of title five, part first of the revision of the laws, was resumed.

Mr. Burbank moved the suspension of the thirty-fourth rule, to enable him to move a reconsideration of the vote taken upon the adoption of the amendments to section twenty-four of chapter

twenty-two of said title, which motion was decided in the affirmative.

Mr. Burbank moved a reconsideration of the vote taken upon the adoption of said amendments; when, on motion of Mr. Wing, said title was laid upon the table; and on motion of Mr. Calkin, was made the special order of the day for Wednesday next.

On motion of Mr. Alden, title nine was taken up and ordered to be engrossed for a third reading.

The engrossed title, title nine, was taken up, read a third time and passed.

The Chair announced the following select committees to which titles four and six of part first, and titles four and two of part second of the revised laws, from the Senate, were committed, viz: on title six, part first, Messrs. Brown, Burke and Shellhouse:

On title four, part first, Messrs. Alden, Calkin and Burbank.

On title two, part second, Messrs. Wing, Ely and King.

On title four, part second, Messrs. Kingsley, McGaffey and Case.

On motion of Mr. Wisner, the House adjourned.

Saturday, Nov. 25.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Calkin, Martin, Monfore.

Mr. Farrington presented a petition from sundry inhabitants of the county of Monroe, praying for the passage of a law authorizing the draining of certain lands. Referred to the committee on the judiciary.

Also, a petition from sundry inhabitants of the township of London in the county of Monroe, praying for the passage of a law enabling them to purchase a sufficient quantity of land for a burying ground. Referred as above.

Mr. Wing, from the select committee to which title one of part second of the revised laws, was referred, reported the same to the House without amendment. Said title was laid upon the table.

Mr. Kingsley, from the select committee to which title seven of part first of the revised laws, was referred, reported the same to the House without amendment. Said title was laid upon the table.

Mr. Burbank, from the select committee to which title three of part first of the revised laws was recommitted, reported the same to the House with an amendment.

On motion of Mr. Alden, title three, with the amendment reported by said committee, was taken up for consideration ; and the amendment as follows, viz : to add to section thirty of chapter ten, " and shall have possession of the seal, books, files and papers belonging to the court of probate, and shall keep or cause to be kept a correct record of all orders, decrees and other official acts, which record shall be subject to inspection of all persons interested, without charge," was agreed to. Said title was then passed.

On motion of Mr. McGaffey, title five was taken up for consideration.

On motion of Mr. Eldred, section fourteen of chapter thirty-seven of said title, was amended by inserting after the word " county," in line five, the words " and the year."

On motion of Mr. Burbank, section seventeen of said chapter was amended by striking out the words "Turks island," in line two, and all after the word " salt," in the second line, to the word " exclusion," in the third line.

Mr. Lothrop moved to amend said chapter by striking out section thirty-one, which was negatived.

On motion of Mr. Levake, said chapter was further amended by striking out in the third line of section forty-four, the word " twelve," and inserting the word " ten," in lieu thereof.

On motion of Mr. Ely, the consideration of section fifty-three of chapter thirty-seven, was postponed, and said section was laid upon the table.

On motion of Mr. Lothrop, said chapter was further amended by inserting after the word " state," in the second line, the words " to any state or country other than to one of the states of the United States."

Mr. McKeen moved further to amend said chapter by striking out sections twenty-two, thirty-one, thirty-six, forty-six, sixty, sixty-one and eighty-four, which was negatived.

Mr. McGaffey moved to amend the amendment by striking out chapter thirty-seven.

On motion of Mr. Kingsley, said chapter was laid upon the table.

On motion of Mr. Ralph, section nineteen of chapter thirty-nine

was amended by inserting after the word "corn," in the first line, the word "oats," and by inserting after the word "wheat," in the fourth line, the words "and thirty-two pounds for a bushel of oats."

On motion of Mr. McGaffey, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the unfinished business of the morning was taken up, viz : the consideration of title seven.

On motion of Mr. Lothrop, section five, chapter forty-two of said title, was amended by striking out in the fifth and sixth lines the words "three fold the amount of."

Mr. Burbank moved to amend said chapter by adding to the third section, the words "unless the parties shall otherwise agree," and striking out sections four, five, six and seven.

Mr. Wing called for a division of the question.

The question being upon the amendment offered to section three, it was decided in the negative.

On motion of Mr. Lothrop, said chapter was further amended by striking out in the second and third lines of section seven, the words "three fold," and the words "the excess of such," in third line.

On motion of Mr. Alden, the House took up the consideration of chapter thirty-seven of said title, this morning laid upon the table.

Mr. McGaffey withdrew his motion to strike out the thirty-seventh chapter of said title.

The question recurring upon striking out sections twenty-two, thirty-one, thirty-six, sixty, sixty-one, sixty-two and eighty-four, the yeas and nays were called for upon striking out section twenty-two, it was decided in the affirmative, as follows :

YEAS.

Mr. Brown,
Mr. Bingham,
Mr. Burbank,
Mr. Ballard,
Mr. Burke,
Mr. Cressey,
Mr. Cornell,
Mr. Case,
Mr. Eldred,

Mr. Ferrington,
Mr. Farrington,
Mr. Herrington,
Mr. Howe,
Mr. Haskins,
Mr. Kingsley,
Mr. Lothrop,
Mr. McGaffey,

Mr. McKeen,
Mr. McCamly,
Mr. Purdy,
Mr. Ralph,
Mr. Shattuck,
Mr. Shellhouse,
Mr. Wing,
Mr. Speaker,

NAYS.

Mr. Alden,	Mr. Ely,	Mr. King,	3
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The question remaining to be taken upon the striking out of sections thirty-one, thirty-six, sixty, sixty-one, sixty-two and eighty-four, it was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Brown,	Mr. Farrington,	Mr. McKeen,	
Mr. Bingham,	Mr. Herrington,	Mr. McCamly,	
Mr. Burbank,	Mr. Howe,	Mr. Purdy,	
Mr. Ballard,	Mr. Haskins,	Mr. Ralph,	
Mr. Burke,	Mr. Heath,	Mr. Shattuck,	
Mr. Cressey,	Mr. Kingsley,	Mr. Shellhouse,	
Mr. Cornell,	Mr. Lothrop,	Mr. Yerkes,	
Mr. Eldred,	Mr. McGaffey,	Mr. Speaker,	
Mr. Ferrington,			25

NAYS.

Mr. Alden,	Mr. Ely,	Mr. King,	3
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Mr. Burbank moved to amend section one of chapter thirty-seven of said title, by striking out the word "appointed," in the first line, and inserting the word "elected" in lieu thereof, which was, on motion of Mr. McKeen, decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Bingham,	Mr. Eldred,	Mr. McGaffey,	
Mr. Burbank,	Mr. Haskins,	Mr. McKeen,	
Mr. Burke,	Mr. Heath,	Mr. McCamly,	
Mr. Case,	Mr. Lothrop,	Mr. Yerkes,	12

NAYS.

Mr. Alden,	Mr. Ferrington,	Mr. Purdy,	
Mr. Brown,	Mr. Farrington,	Mr. Ralph,	
Mr. Ballard,	Mr. Herrington,	Mr. Shattuck,	
Mr. Cressey,	Mr. Howe,	Mr. Shellhouse,	
Mr. Cornell,	Mr. Kingsley,	Mr. Wing,	
Mr. Ely,	Mr. King,	Mr. Speaker,	18

On motion of Mr. Alden, said chapter was recommitted to the committee on title seven.

On motion of Mr. Ralph, the House adjourned.

Monday, November 27.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Calkin, Heath and Wisner.

Mr. Ely, from the committee on internal improvement, to which was referred a bill from the Senate, entitled "A bill to amend an act for the regulation of internal improvements, and for the appointment of a board of commissioners," reported the same to the House without amendment. Said bill was laid upon the table.

Mr. Kingsley, from the committee on the judiciary, to which was referred a bill from the Senate, entitled "A bill amendatory and in addition to an act allowing and regulating writs of replevin," approved April 4, 1833, reported the same to the House without amendment. Said bill was laid upon the table.

Mr. Brown, from the select committee to which was referred title six, part first of the revision of the laws, as the same passed the Senate, reported the same to the House without amendment. Said title was laid upon the table.

Mr. Alden, from the select committee to which was referred title four of part first of the revision of the laws, as the same passed the Senate, reported the same bill to the House with sundry amendments. Said title was laid upon the table.

Mr. Wing, from the select committee to which was referred title two of part second of the revision of the laws, as the same passed the Senate, reported the same to the House without amendment. Said bill was laid upon the table.

On motion of Mr. Ralph, leave of absence was granted to Mr. Monfore, for an indefinite period.

On motion of Mr. Job Smith, leave of absence was granted to Mr. Munger, until Thursday next.

On motion of Mr. Burke, leave of absence was granted to Mr. Jos. Smith, indefinitely.

The Speaker announced the following message from the Senate :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title one of part first of the revision of the laws, with sundry amendments made thereto by the Senate, in which

amendments the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Wing, title one, part first of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration ; and the first, third, fourth and sixth amendments were concurred in : and the second, fifth and seventh amendments were non-concurred in ; and the eighth amendment was concurred in, with an amendment made thereto by the House, by inserting after the word "improvement," in the second line of the said amendment, the words "for the use of the board."

On motion of Mr. Cornell, said title as amended was passed.

On motion of Mr. Alden, title four, part first of the revision of the laws, as the same passed the Senate, with the amendments reported thereto by the select committee to which said title was referred, was taken up for consideration.

On motion of Mr. Thayer, section four of chapter eighteen was amended by inserting after the word "sheep," in the third line, the word "swine."

The question being upon concurring in the amendments reported by the select committee, viz : to strike out in section six the word "one," where it last occurs, and insert "three," in lieu thereof ; also, to strike out in section thirty-one the word "five," in lines seven and twelve, and insert "seven" in lieu thereof ; also, in line eight, in said section thirty-one, insert after the word "after," the words "the service of ;" also, in section thirty-two, in the third and ninth lines, strike out the word "ten," and insert the word "seven" in lieu thereof ; also, in the third line of the said section, after the word "days," insert "after the service of such notice ;" also, in section forty-three, to strike out the word "the," in the first line, and insert the word "each" in lieu thereof ; also in section forty-two, strike out all after the word "act," in the third line, and insert the following in lieu thereof : "any one or more of the assessors, as the case may require, so as to constitute three in number, shall meet with any members of the board, on being notified for that purpose by any regular member of the board ; and such assessors so meeting, shall have the same authority as regular members of the board ;" also, in section sixty-

five, after the word "if," in the first line, insert "at any township meeting." Said amendments were severally concurred in.

On motion of Mr. Speaker, (Mr. Alden in the chair,) section forty-four was amended by striking out all after the word "dollars," in the fourth line.

And on motion of Mr. Speaker, sections fifty-four, fifty-five, fifty-six and sixty-five were amended by striking out the words "to the use of the township," wherever the same occur, and on his motion, the words "such fine to enure to the use of the township," in the fourth line of section fifty-seven, and the words "to the use of the county," in the third line of section sixty, were stricken out.

On motion of Wing, the forty-sixth section was stricken out.

On motion of Mr. Bingham, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the House took up the unfinished business of the morning, viz: the consideration of title four.

Mr. Bingham moved to amend chapter eighteen, by striking out section sixty-seven, which was negatived.

Mr. Alden moved to amend said chapter by striking out the words "not being," and inserting the word "except," which, on motion of Mr. Bingham, was decided by yeas and nays, in the affirmative, as follows:

YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. Martin,
Mr. Brown,	Mr. Farrington,	Mr. Purdy,
Mr. Burbank,	Mr. Herrington,	Mr. Job Smith,
Mr. Burke,	Mr. Howe,	Mr. Shattuck,
Mr. Cressey,	Mr. Haskins,	Mr. Shellhouse,
Mr. Cornell,	Mr. Heath,	Mr. Thayer,
Mr. Case,	Mr. King,	Mr. Wing,
Mr. Ely,	Mr. Lothrop,	Mr. Yerkes,

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NAYS.

Mr. Bingham,	Mr. McKeen,	Mr. Speaker,
Mr. Ballard,	Mr. Ralph,	

5

On motion of Mr. Lothrop, said chapter was further amended

by striking out all after the word "occur," in the second line, to the word "if," in the third line.

On motion of Mr. Bingham, section seven of said chapter was amended by striking out in the third line, the words "and as many," and inserting the words "who shall also be," and after the word "viewers," the words "in their respective townships;" also, after the word "and," in the same line, the words "as many."

On motion of Mr. McKeen, section thirty-five of said chapter was amended by striking out in the third line the words "fence viewers."

On motion of Mr. Alden, chapter twenty was amended by inserting after the word "feet," in the first line of section one, the words "and a half."

On motion of Mr. Lothrop, said chapter was further amended by striking out section sixteen.

On motion of Mr. Alden, section seventeen was amended by striking out the words "to the use of the town."

On motion of Mr. Alden, section twenty was amended by striking out the word "three," and inserting the word "six."

Mr. Burbank moved to amend said chapter by striking out section twenty, which was negatived.

Said title was then read a third time and passed.

On motion of Mr. McGaffey, title six of part one of the revision of the laws, was taken up for consideration, as in committee of the whole.

On motion of Mr. Cornell, chapter twenty-nine of said title was amended by adding the words "of highways" to the fourth clause of section six.

On motion of Mr. Cornell, section eight of said chapter was amended by striking out the words "one-half," and inserting the words "two-thirds," in the eleventh line; also, by striking out the words "first day of December," in the twelfth and thirteenth lines, and inserting the words "the twentieth day of October."

On motion of Mr. Purdy, the House adjourned.

Tuesday, November 28.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Burbank, Butler, Ballard, Calkin, Levake, McCamly, Phillips and Wisner.

Mr. Brown asked and obtained leave of absence for Mr. Burbank.

Mr. Kingsley, from the select committee to whom was referred title four of part second of the revision of the laws, as passed the Senate, reported the same to the House without amendment. Said title was laid upon the table.

Mr. Mosely, from the select committee to whom was referred title seven of part second of the revision of the laws, reported the same to the House with sundry amendments, which were laid upon the table.

On motion of Mr. Alden, the unfinished business of yesterday was taken up, viz: the consideration of title six, from the Senate.

Mr. Alden moved to amend section thirteen of chapter twenty-nine, by inserting after the word "dollars," in line three, the words "and twenty-five cents," which was negatived.

Mr. Cornell moved to strike out the word "fines," in line five of said section, which was negatived.

On motion of Mr. Lothrop, section fourteen was amended by striking out the words "township board," in line two, and inserting "commissioners of highways."

On motion of Mr. Alden, the second clause of section six was amended by restoring to said clause the words "except ministers of the gospel, and priests of every denomination."

Mr. Lothrop moved to amend section six by striking out the second clause, which was negatived.

On motion of Mr. Shellhouse, said clause was amended by striking out in line eight the words "at least."

On motion of Mr. McKeen, said clause was further amended by striking out "above," in line one, and inserting "between;" also by inserting after the word "one," in same line, the words "and fifty."

Mr. Lothrop moved to amend said clause by striking out the

word "inhabitant," in the first line, and inserting the word "citizen."

Mr. Mosely moved to amend the amendment by inserting after "citizen" the words "having been in the district six months."

Mr. McKeen moved further to amend the amendment by inserting the words "thirty days;" which motions were severally lost.

Mr. Ralph moved to substitute the following in place of said clause, viz: "every elector between the age of twenty-one and fifty years, paupers, idiots and lunatics excepted, shall be assessed one day," which was negatived.

On motion of Mr. Alden, section one of chapter thirty-one was amended by inserting after the word "improvements," in line five, the words "but no person being a resident," &c. as originally reported by the reviser.

Mr. Alden moved to amend chapter thirty-one by striking out all after the word "made," in the first line of section eleven, to the word "shall," in the third line of section twelve, which was negatived.

On motion of Mr. Haskins, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the House took up the unfinished business of the morning, viz: the consideration of title six of the revised laws, from the Senate.

On motion of Mr. Eldred, chapter twenty-nine of said title was amended by substituting the following in place of the eighth section.

"Sec. 8. When any overseer of highways shall have expended two-thirds of the tax expressed in his tax list, and he shall deem the labor assessed insufficient to keep the roads therein in repair, it shall be the duty of the said overseer to make another assessment, and all the taxable inhabitants and property in the district, in the same proportion as near as may be, and not exceeding one-third of the number of days assessed in the same year by the commissioners on the taxable inhabitants and property of said district; and the labor so assessed by the overseer shall be performed or commuted for in like manner as if the same

had been assessed by the commissioners of highways. Two-thirds of the original assessment shall be collected from all the resident inhabitants before the first day of July, and all the remainder of said assessment or assessments, at the discretion of the overseer."

On motion of Mr. Cornell, section eight of chapter thirty-three was amended by transposing the words "April" and "November."

Said title was then read a third time and passed.

On motion of Mr. Wing, title four, part second of the revision of the laws was taken up for consideration, as in committee of the whole.

On motion of Mr. McGaffey, chapter seventy-seven, section six, was amended by inserting after the word "person," in line five, the words "and to summon witnesses."

On motion of the Speaker, (Mr. Mosely in the chair,) section seventeen of chapter seventy-eight, was amended by striking out the word "accepted," and inserting the word "confirmed," in line ten.

On motion of the Speaker, section seven of chapter seventy-nine was amended by striking out the word "accepted," in line seven, and inserting the word "confirmed;" also, to strike out the word "twelve," and insert "eighteen," in line two, section four of chapter eighty.

On motion of Mr. Ely, the House adjourned.

Wednesday, November 29.

The House met pursuant to adjournment.

The roll being called, the proceedings of the previous day being read, the following members were absent: Messrs. Almy and Calkin.

Mr. Cressey offered the following resolution, and moved its adoption.

Resolved, That the committee on enrolment be authorized to employ a sufficient number of clerks to enroll the several parts of the revised statutes (when they shall have passed) without any unnecessary delay.

Mr. Wing moved to amend said resolution by adding thereto

the following : " and that said committee be empowered to discharge such enrolling and engrossing clerks as they may deem incompetent to perform their duty, which was decided in the affirmative. Said resolution as amended, was then adopted.

On motion of Mr. Lothrop,

Resolved, That the committee on the library be instructed to report a set of rules for the regulation of the library.

On motion of Mr. Cressey,

Resolved, That the committee on the library be authorized to complete the alterations and repairs commenced in the room selected for the library.

Title five of part first of the revision of the laws, coming under the special orders of the day, was taken up.

On motion of Mr. Wing, the special order of the day was laid upon the table.

On motion of Mr. Alden, the House took up for consideration, as in committee of the whole, the unfinished business of yesterday, viz : the consideration of title four, part first of the revision of the laws, from the Senate.

On motion of the Speaker, (Mr. Lothrop in the chair,) section ten, chapter eighty-two, was amended by striking out in line four, the words " in chancery."

On motion of the Speaker (Mr. Lothrop in the chair,) said title was laid upon the table.

On motion of Mr. Alden, the consideration of title five, part first of the revision of the laws, was resumed, as in committee of the whole.

The vote taken upon the several amendments to said title, having been heretofore reconsidered,

The question recurring upon agreeing to the several amendments heretofore proposed to clause four, section four, chapter twenty-one, it was decided in the negative.

On motion of Mr. Alden, said clause was stricken out, and the following substituted in lieu thereof.

" Fourth. All property exempt from execution under the laws of this state."

The question recurring upon the adoption of the amendment to said section, viz: to insert the following to stand as the ninth clause,

Ninth. All improvements of and under the value of five hundred dollars, and buildings erected thereon of the value of two hundred and fifty dollars, or under, on lands actually used and occupied for farming purposes. But should the improvement exceed the value of five hundred dollars, and the said buildings exceed the value two hundred and fifty dollars, then and in such case, the excess of over and above the said sums shall be subject to assessment and taxation.

Mr. Wing moved to amend the amendment by striking out the words "five hundred," where they occur in said amendment, and insert the words "two hundred and fifty."

While the question was pending, on motion of Mr. Ralph, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the unfinished business of the morning was taken up, viz: the consideration of title five, part first of the revision of the laws.

The question being upon the amendment offered this morning by Mr. Wing to the amendment to the fourth section of chapter twenty-one, it was decided in the affirmative.

Mr. Lothrop moved to amend the amendment by inserting after the word "farming," where it occurs, the word "mechanical," which was, on motion of Mr. McGaffey, decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Ely,
Mr. Felch,
Mr. Heath,
Mr. King,
Mr. Lothrop,

Mr. McGaffey,
Mr. McKeen,
Mr. Phillips,
Mr. Job Smith,

Mr. Shellhouse,
Mr. Thayer,
Mr. Wisner,
Mr. Speaker,

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NAYS.

Mr. Alden,
Mr. Brown,
Mr. Ballard,
Mr. Burke,
Mr. Cressey,
Mr. Cornell,
Mr. Case,

Mr. Eldred,
Mr. Ferrington,
Mr. Farrington,
Mr. Herrington,
Mr. Howe,
Mr. Haskins,

Mr. Kingsley,
Mr. Martin,
Mr. Purdy,
Mr. Ralph,
Mr. Shattuck,
Mr. Yerkes,

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Mr. McKeen moved to amend the amendment by striking out the words "farming implements," which was negatived.

The question recurring upon the amendment, it was, on motion of Mr. Lothrop, decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Job Smith,
Mr. Bingham,	Mr. Herrington,	Mr. Shattuck,
Mr. Burke,	Mr. Howe,	Mr. Shellhouse,
Mr. Cornell,	Mr. Haskins,	Mr. Thayer,
Mr. Case,	Mr. Kingsley,	Mr. Wisner,
Mr. Eldred,	Mr. Martin,	Mr. Yerkes,
Mr. Ely,	Mr. Purdy,	Mr. Speaker,
Mr. Ferrington,	Mr. Ralph,	

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NAYS.

Mr. Brown,	Mr. Heath,	Mr. McKeen,
Mr. Ballard,	Mr. King,	Mr. Mosely,
Mr. Cressey,	Mr. Lothrop,	Mr. Phillips,
Mr. Felch,	Mr. McGaffey,	

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Mr. Lothrop moved to amend said chapter by striking out the fourth, sixth, seventh, eighth and ninth clauses of section four, which was negatived.

On motion of Mr. Farrington, the blank in section five of said chapter was filled with the words "third Monday in April."

On motion of Mr. King, the blank in section three of chapter twenty-three, was filled with the words "twenty-eight."

On motion of Mr. McKeen, said title was recommitted to the select committee on said title.

On motion of Mr. Haskins, the House adjourned until nine o'clock, Friday morning.

Friday, December 1.

The House met pursuant to adjournment.

The roll being called, and the journal of the preceding day being read, the following members were absent: Messrs. Almy, Ferrington, Haskins, Levake, Job Smith, Wing and Wisner.

Mr. Shellhouse asked and obtained leave of absence for Mr. Haskins, until Tuesday next.

Mr. Howe asked and obtained leave of absence for Mr. Job Smith, until Monday next.

Mr. Felch asked and obtained leave of absence for Mr. Wing.

Mr. Purdy asked and obtained leave of absence for Mr. Ferrington.

The Chair announced the following message from the Senate:

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives, that the Senate have receded from the second and seventh amendments made by the Senate to title one, part first of the revision of the laws, and have concurred in the amendment made by the House to the eighth amendment of the Senate, and have insisted on the fifth amendment to said title, in which the House had non-concurred.

I am also directed to inform the House of Representatives that the Senate have concurred in the several amendments made by the House to title four, part first, with the exception of the amendments to sections six, forty-two and forty-three of chapter eighteen.

On motion of Mr. Eldred, the House concurred in the fifth amendment made by the Senate to title one, part first, and said title was then passed.

On motion of Mr. Lothrop, title four, part first of the revision of the laws, from the Senate, with the amendments made thereto by the House, was taken up for consideration.

Mr. Lothrop moved that the House recede from the first amendment made by the House to said title, which was negatived.

On motion of Mr. McKeen, the House insisted on the second amendment made by them to said title.

On motion of Mr. Cornell, the House insisted upon the third amendment made by them to said title.

On motion of Mr. Cornell, a committee of conference was appointed on the disagreement of the two houses on title four of part first.

The Chair announced the following as said committee: Messrs. Cornell, Eldred and Farrington.

The Chair announced the following message from the Senate:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title six, part first of the revision of the laws, with an amendment by the Senate to the last amendment made by the

House of Representatives to said title, in which the concurrence of the House is respectfully requested.

On motion of Mr. Eldred, title six of part first was taken up for consideration as in committee of the whole, and on his motion, the House non-concurred in the amendment made by the Senate to the last amendment made by the House to said title.

On motion of Mr. Cornell, a committee of conference was appointed on the disagreement between the two houses on said title.

The Chair announced the following as said committee : Messrs. Cornell, Eldred and Farrington.

On motion of Mr. McKee, title seven of part second of the revision of the laws, heretofore laid upon the table, with the amendments reported by the select committee on said title, was taken up for consideration.

The question being upon concurring in the amendment reported by the select committee, viz : to strike out section six of chapter eighty-nine,

Mr. Lothrop moved to amend the amendment by substituting the following, to stand as section six, viz :

“Sec. 6. All persons intending to be joined in marriage, shall obtain license from the township clerk in the township in which the female resides, or of the county clerk in the manner hereinafter provided.”

Mr. Cressey called for a division of the question.

The question being upon striking out said section, it was decided in the affirmative.

The question being upon the substitute for said sixth section, it was, on motion of Mr. Bingham, decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Alden,
Mr. Brown,
Mr. Ballard,
Mr. Burke,

Mr. Felch,
Mr. Heath,
Mr. King,
Mr. Lothrop,

Mr. McGaffey,
Mr. McCamly,
Mr. Yerkes,
Mr. Speaker, 12

NAYS.

Mr. Bingham,
Mr. Cressey,
Mr. Calkin,

Mr. Farrington,
Mr. Foot,
Mr. Herrington,

Mr. McKee,
Mr. Mosely,
Mr. Purdy,

Mr. Cornell,
Mr. Case,
Mr. Eldred,
Mr. Ely,

Mr. Howe,
Mr. Kingsley,
Mr. Levake,
Mr. Martin,

Mr. Phillips,
Mr. Ralph,
Mr. Shattuck,
Mr. Thayer,

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The question being upon agreeing to the amendment reported by the select committee, viz: to strike out sections seven, eight, nine, ten and eleven, it was agreed to.

The question being upon agreeing to the amendment reported by the select committee, viz: to strike out all after the word "chosen," in the second line of section twelve, to the word "and," in the third line; also to strike out all after the word "office," in the sixth line, it was agreed to.

Mr. Lothrop moved further to amend said section by striking out all after the word "gospel," in the fifth line, which was decided in the affirmative.

The question being upon agreeing to the report of the select committee, viz: to strike out the thirteenth section and substitute the following in lieu thereof:

"Sec. 13. No justice of the peace, or minister of the gospel shall join any person in marriage, who, if a male, is under the age of twenty-one, and if a female, is under the age of eighteen years, without the written consent of his or her parents or guardian,"

It was agreed to.

On motion of Mr. Ralph, section fourteen was amended by striking out "one," and inserting "two," in the seventh line.

On motion of Mr. Felch, said section was further amended by striking out all of said section to the word "no," in the fourth line, and inserting the words "in the solemnization of marriage."

Mr. Ralph moved to amend section twelve of said chapter by inserting after the word "by," in first line, the words "judges of the supreme and circuit courts, and associate judges," which was negatived.

On motion of Mr. Cornell, section fifteen was amended by inserting after the word "to," in line three, the words "each of."

On motion of Mr. Felch, said section was further amended by striking out the words "the attesting witness or witnesses," and inserting "at least two witnesses who were present at such marriage."

The question being upon agreeing to the report of the select committee, viz : to strike out all after the word "minister," in the first line of section sixteen, to the word "within," in line two, it was decided in the negative.

Mr. Ely moved further to amend said section by striking out the words "three months," in the second line, and inserting the words "thirty days," in lieu thereof, which was decided in the negative.

On motion of Mr. Cressey, section seventeen was amended by striking out in line four, the words "for the use of the county."

The question being upon agreeing to the amendment reported by the select committee, viz : to strike out section eighteen, it was agreed to.

The question being upon agreeing to the amendment reported by the select committee, viz : to strike out in section nineteen, all after the word "knowing," in second line, to the word "that," in the third line ; also, to strike out all after the word "marriage," in the fourth line, to the word "shall," in the fifth line,

Mr. McGaffey moved to amend the amendment by striking out all after the word "he," in the second line, to the word "shall," in the fifth line.

While the question was pending, on motion of Mr. Cressey, the House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the unfinished business of the morning was taken up, viz : the consideration of title six of part second of the revision of the laws.

The question recurring upon the amendment offered this morning by Mr. McGaffey to the amendment proposed by the select committee to section nineteen of chapter eighty-nine, it was decided in the affirmative.

Mr. Ralph moved further to amend said section, by striking out all of the said section, to the word "shall," in the fifth line, and insert the following as a substitute, viz : "If any justice of the peace or minister of the gospel shall join any person in marriage, except those with whom he is personally acquainted and knows there is no legal impediment, with-

out having first satisfactorily ascertained from one or both of the parties, under oath, that there is no legal impediments to such marriage," which was negatived.

On motion of Mr. Alden, said section was further amended, by striking out all after the word "dollars," in the sixth line.

Mr. Lothrop moved to amend section twenty of said chapter, by striking out the words "undertake to," in the first line, which was negatived.

Mr. Alden moved further to amend said section, by striking out the words "knowing that he is," in the first and second lines, which was negatived.

The question being upon agreeing to the amendment reported by the select committee, viz: to strike out the twenty-first section, it was agreed to.

The question being upon agreeing to the amendment reported by the select committee, viz: to strike out all after the word "minister," in the fourth line of section twenty-two, to the word "be," in the seventh line, and insert the words "provided that the marriage," it was agreed to.

On motion of Mr. McKeen, said chapter was further amended, by inserting the following, to stand as section thirteen, viz: "All justices of the peace and ministers of the gospel, are hereby authorized and required, before solemnizing any marriage, to examine at least one of the parties upon oath, as to the legality of such intended marriage."

Mr. McGaffey moved further to amend said chapter, by inserting the following, to stand as section twenty:

"Sec. 20. Every justice of the peace or minister who shall refuse to solemnize marriage when requested, and proof adduced that there is no legal impediment to such marriage, shall forfeit the sum of one hundred dollars."

On motion of Mr. Bingham, the question was decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. McGaffey,

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NAYS.

Mr. Alden,
Mr. Brown,

Mr. Felch,
Mr. Farrington,

Mr. McKeen,
Mr. McCamly,

Mr. Bingham,	Mr. Gilbert,	Mr. Mosely,
Mr. Ballard,	Mr. Herrington,	Mr. Purdy,
Mr. Burke,	Mr. Howe,	Mr. Phillips,
Mr. Cressey,	Mr. Heath,	Mr. Ralph,
Mr. Calkin,	Mr. Kingsley,	Mr. Shattuck,
Mr. Cornell,	Mr. King,	Mr. Shellhouse,
Mr. Case,	Mr. Lothrop,	Mr. Yerkes,
Mr. Eldred,	Mr. Martin,	Mr. Speaker,
Mr. Ely,		

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Mr. Alden moved further to amend said title, by striking out, in section six of chapter ninety, the words "circuit court," in the second line, which was negatived.

On motion of Mr. Felch, said chapter was further amended, by substituting the following, to stand as section six.

"Sec. 6. No divorce shall be granted unless the petitioner therefor shall prove his or her residence in this state for two years successively next preceding his or her application."

On motion of Mr. Felch, said chapter was further amended by substituting the following, to stand as section seven, viz :

"No divorce shall be adjudged or decreed when the complaint is founded on collision of the parties, or when the party complaining is guilty of the crime set forth in his or her petition."

On motion of Mr. Felch, said chapter was further amended, by inserting after the word "ages," in the second line of section eight, the words "and residents."

On motion of Mr. Felch, chapter ninety-three was amended by striking out the word "ten," in the second line of section three, and inserting the word "five" in lieu thereof.

The following message was received from the Senate, through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that Messrs. Summers, Moore and Britain have been appointed a committee of conference on the part of the Senate, on the disagreement between the two houses on title four, part first of the revision of the laws ; and that the Senate have receded from their amendment to the amendment made by the House to section eight, chapter twenty-nine of title six.

On motion of Mr. Cornell, the House adjourned.

Saturday, December 2.

The House met pursuant to adjournment.

The roll being called, the following members were absent :
Messrs. Almy and Martin.

The journal of the preceding day being read,

Mr. McGaffey, from the select committee to which was re-committed title five of part first of the revision of the laws, reported the same to the House with the following amendments, which were agreed to :

In section one, chapter twenty-two, strike out in second line, the word "second," and insert "first;" in section eight, strike out in first line, "within five days after," and insert "as soon as;" also strike out all after the word "notice," in sixth line, to the word "notice," in the eighth line, and insert after the word "day," in sixth line, the words "and place;" in section fifteen, first line, strike out the word "fifteenth," and insert the word "first."

Said title was then read a third time and passed.

On motion of Mr. Cressey,

Resolved, That the House will hereafter commence its forenoon session at nine o'clock, and its afternoon session at two o'clock.

On motion of Mr. Alden, the House took up the unfinished business of yesterday, viz: the consideration of title seven of part second of the revision of the laws.

On motion of Mr. McGaffey, section twenty-two of chapter ninety-four was amended by inserting after the word "companies," in line three, the words "before a justice of the peace, or."

Said title was then read a third time and passed.

Title six of part second of the revision of the laws, from the Senate, heretofore laid upon the table, was taken up, read a third time and passed.

The House, on motion of Mr. McGaffey, took up for consideration, as in committee of the whole, title one of part second of the revision of the laws.

Mr McKeen moved to amend said title by striking out in the fourth line, section eleven, chapter seventy-one, the words "apart from," and insert "in the absence of," which was negatived.

On motion of Mr. Felch, said chapter was amended by insert-

ing after the word "before," in the third line of section twelve, the words "a judge of."

On motion of Mr. Wisner, section thirteen was amended by inserting after the word "before," in the second line, the words "a judge of."

On motion of the Speaker, (Mr. Lothrop in the chair,) section three of chapter seventy-two, was amended by inserting after the word "devisees," in line two, the words "or any person claiming under them, or either of them;" also, by inserting after the word "settled," in the fourth line, the words "upon the application of the widow, or any other person interested in the lands."

On motion of Mr. Shellhouse, said chapter was further amended by striking out in line fourteen of section seventeen, the words "forty days," and inserting the words "one year."

On motion of Mr. Alden, said section was further amended by adding thereto the words, "for six months."

Mr. Lothrop moved further to amend said chapter by striking out in the third line of section fifteen, the words "her deceased husband," and insert the words "which her husband died seized," in lieu thereof, which was negatived.

On motion of Mr. King, the House adjourned until two o'clock P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, a quorum not appearing present, the House adjourned.

Monday, December 4.

The House met pursuant to adjournment.

The roll being called, the following members were absent :
Messrs. Almy, Lothrop, Levake, McKeen.

The journal of Saturday being read,

Mr. Felch, from the select committee to whom was referred title three of part second of the revision of the laws, reported the same to the House without amendment.

On motion of Mr. Felch, said title was taken up for consideration as in committee of the whole.

On motion of Mr. Felch, chapter seventy-four was amended by striking out in the fourth line of section ten, the words "in the registry," and inserting "with the judge;" also in line five of said section, the word "register," and insert the word "judge;" also, by striking out in lines five and six of section eleven, the words "in the registry until it is there offered for probate," and inserting the words "by him;" also in the seventh line of same section, striking out the words "the registry," and inserting the words "his possession;" also, in the first line of section twelve, striking out the word "registry," and inserting the word "judge."

On motion of Mr. McGaffey, section ten was amended by striking out in the fifth and sixth lines the words "upon being paid the fee of one dollar therefor."

On motion of Mr. Felch, said title was laid upon the table.

Mr. Kingsley, from the select committee to whom was referred title five of part second of the revision of the laws, reported the same to the House without amendment.

On motion of Mr. Kingsley, said title was taken up for consideration as in committee of the whole.

On motion of Mr. Felch, section fifteen of chapter eighty-three was amended by striking out in the fourth line the words "fourteen days," and inserting the words "three months."

On motion of Mr. Ralph, section eleven of chapter eighty-five was amended by striking out in line three the words "the clerk of," and inserting the words "register of deeds."

Mr. McGaffey moved to amend section fourteen of said chapter, by striking out in line six, the word "ten," and inserting the word "fourteen."

Mr. Eldred moved to amend the amendment by striking out the word "ten," and inserting the word "twenty."

Mr. Felch called for a division of the question.

The question being upon striking out the word "ten," it was negatived.

On motion of Mr. Felch, section eleven of said chapter was amended by adding thereto the words "if required."

Said title was then read a third time and passed.

On motion of Mr. Kingsley, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment, the roll being called,

On motion of Mr. Alden, title thirteen, part first of the revision of the laws, was referred to the committee on university and school lands.

On motion of Mr. Felch, title three of part second of the revision of the laws, this morning laid upon the table, was taken up for consideration.

Mr. Felch moved to amend said title by striking out section six of chapter seventy-four, and insert the following to stand as sections six, seven and eight, which was decided in the affirmative.

"Sec. 6. No nuncupative will shall be good when the estate thereby bequeathed shall exceed the value of one hundred and fifty dollars, that is not proved by the oath of three witnesses at least that were present at the making thereof, nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, to bear witness that such was his will, or to that effect; nor unless such nuncupative will was made in the time of the last sickness of the deceased, or in the house of his or her habitation or dwelling, or where he had been resident for the space of ten days or more next before the making of such will, except when such person was unexpectedly taken sick, being from home and died before he returned to the place of his habitation.

"Sec. 7. No letters testamentary or probate of any nuncupative will shall pass the seal of any court of probate, until fourteen days at least, after the decease of the testator be fully expired; nor shall any nuncupative will be at any time approved and allowed, unless process shall first have issued, to call in the widow and other person or persons principally interested, if resident within the government, to the end that they may contest the same, if they please.

"Sec. 8. After six months shall have passed, after speaking any pretended testamentary words, no testimony shall be received to prove the same as a nuncupative will, unless the said words or the substance thereof, were reduced to writing, within six days after the said testamentary words were spoken."

On motion of Mr. Felch, said title was ordered to be engrossed for a third reading.

The twenty-second rule being suspended, the engrossed title, title three, part second, was taken up, read a third time and passed.

The House took up for consideration title four of part second of the revision of the laws, from the Senate, heretofore laid upon the table. Said title was read a third time and passed.

On motion of Mr. Felch, title one of part second of the revision of the laws, heretofore laid upon the table, was taken up for consideration, as in committee of the whole.

On motion of Mr. Felch, the words "a judge of," in the third line of section twelve, and in the second line of section thirteen, were stricken out.

On motion of Mr. Felch, section seventeen was amended, by inserting after the word "thereafter," in line five, the words "in cases before a justice, and in cases before a court of record, for the space of ten days after the first day of the next term of such court in the county where the premises, or some part thereof, are situate."

On motion of Mr. Felch, said chapter was further amended by striking out in the first line of section eighteen, the words "said thirty days," and inserting the words "time mentioned in the preceding section."

On motion of Mr. Felch, said title was ordered to be engrossed for a third reading.

The engrossed title, title one, part second, was taken up, read a third time and passed.

The Chair announced the following message from the Senate:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit title two of part first of the revision of the laws, as the same has passed the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Title two, part first of the revision of the laws, from the Senate was taken up, read a first and second times, and on motion, committed to committee of the whole House.

On motion of Mr. Alden, the twenty-second rule was suspended, and said title was taken up for consideration as in committee of the whole.

On motion of Mr. Alden, said title was amended by striking out section six of chapter eleven.

On motion of Mr. Cornell, said title was further amended by striking out section three of chapter five, and inserting the following in lieu thereof:

"Sec. 3. The polls of all elections shall be opened between the hours of nine and ten o'clock, on the days of election, and continue open until four o'clock in the afternoon of said days; after which hour the inspectors may close the polls at any time when all the voters present have voted, or had an opportunity of voting; but shall not be compelled to wait more than fifteen minutes without receiving a vote, until they shall close the polls, nor shall the polls be kept open after six o'clock."

On motion of Mr. Alden, the committee of the whole House was discharged from the further consideration of said title, and the same was referred to a select committee of three.

The Chair announced the following as said committee: Messrs. Alden, McGaffey and Cornell.

Mr. Felch asked and obtained leave of absence for Mr. Lothrop, for three days.

On motion of Mr. Wisner, the House adjourned.

Tuesday, December 5.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Levake, Martin, McGaffey, McKeen and McCamly.

The proceedings of the previous day being read,

Mr. Ralph, from the select committee on university and school lands, to which was referred title thirteen, part first of the revision of the laws, reported title thirteen of part first of the revision of the laws.

Said title was read a first and second times, and laid upon the table.

Mr. Alden from the select committee to which was referred title two of part first of the revision of the laws from the Senate, reported the same to the House with sundry amendments, which were laid upon the table.

Mr. Felch, from the select committee appointed by the House of Representatives at its extra session in June last, to investigate the official conduct of George Morell, one of the associate justices of the supreme court of the state, made the following report, which was read, laid upon the table, and on motion of Mr. Felch, was made the special order of the day, for Thursday next.

The committee appointed by the House of Representatives, to inquire into the official conduct of George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit, and to report their opinion whether the said George Morell has so acted in his judicial capacity, as to require the interposition of the constitutional power of this House, submitted a report, and the following resolution :

Resolved, That the charges preferred against the honorable George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit, in accordance with certain resolutions of this House, passed on the 15th and 16th days of June last, are not sustained by the testimony taken and returned to this House by the committee of investigation, appointed under said resolutions ; and that said Morell's official conduct, so far as the same has been developed on said examination, is not such as to require any interference of the constitutional power of this House.

(For Report, see Document No. 1.)

On motion of Mr. Alden, the House took up for consideration, title two, part first of the revision of the laws, from the Senate, with the amendments made thereto by the select committee, to which the same was referred.

The question being upon agreeing to the report of the select committee, viz : to strike out section three of chapter five of said title, as the same was amended by the House, and insert the following to stand as a substitute for said section, it was agreed to.

"Sec. 3. The inspectors shall open the polls of the election at nine o'clock in the forenoon, or as soon thereafter as may be, on each day of election, and shall continue them open until four o'clock in the afternoon of each day, and no longer : and at the opening and closing of the polls on each day, shall cause proclamation thereof to be made ; and two hours before closing the polls on the last day of the election, they shall cause proclama-

tion to be made, that the polls of that election will be closed at four o'clock in the afternoon of that day."

The question being upon agreeing to the report of the select committee, viz: to restore section nine of chapter five, as originally reported by the reviser, which was stricken out by the Senate, it was, on motion of Mr. Bingham, decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Alden,	Mr. Cornell,	Mr. Purdy,	
Mr. Ballard,	Mr. King,	Mr. Ralph,	6

NAYS.

Mr. Brown,	Mr. Ely,	Mr. Mosely,	
Mr. Bingham,	Mr. Farrington,	Mr. Shattuck,	
Mr. Burke,	Mr. Gilbert,	Mr. Shellhouse,	
Mr. Cressey,	Mr. Herrington,	Mr. Wisner,	
Mr. Calkin,	Mr. Howe,	Mr. Yerkes,	
Mr. Case,	Mr. Kingsley,	Mr. Speaker,	
Mr. Eldred,	Mr. McCamly,		20

The question being upon agreeing to the report of the select committee, viz: to strike out section six of chapter six, and insert the following as a substitute for said section, it was agreed to.

"Sec. 6. When the result of the election has been ascertained and certified as aforesaid, the said inspectors shall destroy the ballots, except such ballots as have been rejected by them as imperfect or defective, of which true copies shall be made, and attached to the original ballots, and both be delivered to the township clerk to be filed in his office. The poll list shall be delivered to the township clerk, and be preserved by him in his office."

On motion of Mr. Cressey, section eight of chapter five, was amended by striking out all after the word "received," in the eleventh line.

On motion of Mr. Alden, said title as amended, was then read the third time and passed.

Mr. Ralph moved a call of the House.

The clerk having called the roll, the following members were absent: Messrs. Alden, Almy, Burbank, Butler, Cressey, Cornell, Field, Haskins, Heath, Kellogg, Lothrop, Levake, Munger, Martin, Monfore, McGaffey, McKeen, McCamly, Purdy, Phillips, Job Smith, Shattuck, Jos. Smith, Shellhouse, Thayer, Wing, Yerkes.

A quorum not appearing present, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the House took up for consideration a bill from the Senate entitled "A bill to amend an act for the regulation of internal improvements, and the appointment of a board of commissioners."

Mr. Felch moved to lay said bill upon the table, which was agreed to.

On motion of Mr. Cornell,

Resolved, That the act to organize and regulate banking associations, the act suspending for a limited time, certain provisions of law, and for other purposes, and the acts amendatory thereto, and the act to regulate proceedings in chancery against corporations, be referred to a select committee of five, and they be requested to report thereon without any unnecessary delay.

The Chair announced the following as said committee : Messrs. Cornell, Kingsley, Bingham, Alden, Burbank.

Mr. Alden presented sundry claims from Robert Abbott, Auditor General, and others, against the state of Michigan for extra services, incidental expenses, &c., which were referred to the committee on claims.

On motion of Mr. Alden, the House adjourned.

Wednesday, December 6.

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Almy, Brown, Levake, McKeen, and Wisner.

The journal of yesterday being read, the Chair announced the following message from the Senate :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title seven, part second of the revision of the laws, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Title seven of part second of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the several amendments made by the Senate to said title, they were concurred in, with the exception of the sixth amendment, viz : to strike out all after the word "parties," in the third line of said section, which was non-concurred in.

Title one of part fourth of the revision of the laws, was taken up, read a first and second times, and on motion of Mr. Ralph, considered as in committee of the whole.

Mr. Ralph moved to amend said title by striking out in the second line of section one of chapter one hundred and thirty-nine, the word "death," and inserting the words "imprisonment for life;" and on his motion, the question was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Bingham,	Mr. Farrington,	Mr. Munger,
Mr. Butler,	Mr. Field,	Mr. Martin,
Mr. Ballard,	Mr. Foot,	Mr. Mosely,
Mr. Calkin,	Mr. Gilbert,	Mr. Ralph,
Mr. Case,	Mr. Herrington,	Mr. Thayer,
Mr. Eldred,	Mr. Howe,	Mr. Wing,
Mr. Ely,	Mr. Kingsley,	Mr. Yerkes,
Mr. Felch,		

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NAYS.

Mr. Alden,	Mr. King,	Mr. Phillips,
Mr. Burbank,	Mr. Purdy,	Mr. Shattuck,
Mr. Burke,		

7

On motion of Mr. Alden, said section was further amended by inserting after the word "of," in same line, the word "solitary."

Mr. Burbank moved to amend chapter one hundred and forty by striking out in the fourth, fifth and sixth lines of section three, the words "imprisonment in the state prison not more than twenty years, or by fine not exceeding one thousand dollars and," which was negatived.

On motion of Mr. Thayer, said section was amended by striking out all after the word "state," in the ninth line.

On motion of Mr. Calkin, section four was amended by striking out the words "or surgeon," in the fourth line.

On motion of Mr. Cornell, said chapter was further amended by striking out in section five, the words "by imprisonment in

the county jail not more than six months," and the words "and imprisonment in the county jail not more than three years," where they occur in the sixth, seventh, eighth and ninth sections.

On motion of Mr. Kingsley, said chapter was further amended by adding to sections six, seven, eight, nine, seventeen and twenty, the words "or both, at the discretion of the court."

On motion of Mr. Ralph, said chapter was further amended by striking out in section fourteen, the words "five hundred," in line eight, and inserting the words "one thousand," in lieu thereof.

Mr. Eldred moved further to amend said chapter by adding the following proviso, which was negatived, viz: "Provided, That when any conviction shall be had of any crime enumerated in this chapter, and such sentence shall be for a less time than two years, such imprisonment shall not be in the state prison."

On motion of Mr. Cressey, sections thirteen and fourteen of chapter forty-one were amended by striking out the word "two," in the last line of each section, and inserting the word "one," in lieu thereof.

Mr. Ely moved further to amend section fourteen by inserting after the word "vessel," in the second line, the words "to the value of twenty-five dollars," which was negatived.

On motion of Mr. King the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

Mr. Burbank asked and obtained leave of absence for Mr. Brown, for three days.

Mr. Mosely submitted a joint resolution relative to loaning the Detroit and Pontiac railroad company a certain quantity of iron.

On motion of Mr. Mosely, the sixteenth rule was suspended,

And the House resolved itself into a committee of the whole, Mr. Alden in the chair, on said joint resolution, and after some time spent thereon, the committee rose, and through their chairman reported the same to the House with an amendment, which was concurred in.

On motion of Mr. Bingham, said joint resolution was referred to the committee on internal improvements.

The unfinished business of the morning was taken up, viz : the consideration of title one, part fourth of the revision of the laws.

On motion of Mr. McGaffey, section five of chapter one hundred and forty-five, was amended by striking out the word "single," and inserting the word "unmarried."

On motion of Mr. McGaffey, the blank in section fifteen, in line eleven of chapter one hundred and forty-eight, was filled with the word "twenty-five."

On motion of Mr. Bingham, said title was committed to committee on the judiciary.

The Chair announced the following message from the Senate :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title two, part first of the revision of the laws, and am directed to inform the House of Representatives that the Senate non-concur in the third amendment made by the House of Representatives to said title.

On motion, title two, part first of the revision of the laws was taken up, and on motion of Mr. McGaffey, the House receded from the third amendment.

On motion of Mr. Farrington, the House adjourned.

Thursday, December 7.

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Almy, Cressey and Martin.

Mr. Mosely presented a petition from Henry S. Smith, praying for the passage of a law allowing him to give his bond, together with some other collectors, as the regular time provided by law had passed, which was referred to the committee on the judiciary.

Mr. Kingsley, from the select committee to which was recommended title seven of part first of the revision of the laws, reported the same to the House without amendment. Said title was laid upon the table.

The Chair announced the following message from the Senate :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit title eight of part first of the revision of the laws, as the same has passed the Senate ; and return title five of part second, with sundry amendments made thereto by the Senate,

in which title and amendments the concurrence of the House of Representatives is respectfully requested. I am also directed to inform the House of Representatives, that the Senate have receded from their amendment to title seven of part second, in which the House had non-concurred.

On motion of Mr. Alden, title eight of part first of the revision of the laws from the Senate, was taken up, read a first and second times, and referred to a select committee of three.

The Chair announced the following as said committee : Messrs. Alden, Cressey and Foot.

Title five of part second of the revision of the laws, with the amendments made thereto by the Senate, was taken up, and the amendments were concurred in.

The report of the select committee appointed to investigate the official conduct of George Morell, one of the associate justices of the supreme court of this state, coming under the special order of the day, was taken up. The report of the committee and the testimony taken in the investigation before the committee, having been read,

Mr. Cornell moved that the report and resolution of the committee be adopted.

On motion of the Speaker, (Mr. McGaffey in the chair,) said motion and the report of the committee were laid upon the table.

On motion of Mr. Wisner, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the unfinished business of the morning was taken up, viz : the consideration of the report of the select committee appointed to investigate the official conduct of judge George Morell.

The question recurring upon the motion of Mr. Cornell, laid upon the table this morning, viz : upon the adoption of the report and resolution of the select committee, it was, on motion of Mr. Bingham, decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,
Mr. Bingham,
Mr. Burbank,
Mr. Butler,

Mr. Ballard,
Mr. Burke,
Mr. Cressey,
Mr. Calkin,

Mr. Cornell,
Mr. Case,
Mr. Eldred,
Mr. Ely,

Mr. Ferrington,	Mr. Kingsley,	Mr. Phillips,
Mr. Felch,	Mr. King,	Mr. Ralph,
Mr. Farrington,	Mr. Lothrop,	Mr. Job Smith,
Mr. Field,	Mr. Munger,	Mr. Shattuck,
Mr. Foot,	Mr. Martin,	Mr. Shellhouse,
Mr. Gilbert,	Mr. McGaffey,	Mr. Thayer,
Mr. Herrington,	Mr. McKeen,	Mr. Wing,
Mr. Howe,	Mr. McCamly,	Mr. Yerkes,
Mr. Heath,	Mr. Mosely,	Mr. Speaker,
Mr. Kellogg,	Mr. Purdy,	

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NAYS.

Mr. Wisner,

1

Mr. Wisner, from the select committee on the same subject, presented the following protest against the act of the House, by which the report and resolution of the majority of the select committee was adopted.

(See Document No. 2.)

Mr. McKeen moved to lay the protest upon the table, and on motion of Mr. Wisner, the question was decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. King,	Mr. Levake,	2
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NAYS.

Mr. Alden,	Mr. Field,	Mr. McCamly,
Mr. Bingham,	Mr. Foot,	Mr. Mosely,
Mr. Burbank,	Mr. Gilbert,	Mr. Purdy,
Mr. Butler,	Mr. Herrington,	Mr. Phillips,
Mr. Ballard,	Mr. Howe,	Mr. Ralph,
Mr. Cressey,	Mr. Heath,	Mr. Job Smith,
Mr. Cornell,	Mr. Kellogg,	Mr. Shattuck,
Mr. Case,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Eldred,	Mr. Lothrop,	Mr. Wing,
Mr. Ferrington,	Mr. Munger,	Mr. Yerkes,
Mr. Felch,	Mr. Martin,	Mr. Speaker,
Mr. Farrington,	Mr. McGaffey,	

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The question being upon accepting the protest and entering it upon the journal of the House, it was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Burbank,	Mr. Ballard,
Mr. Bingham,	Mr. Butler,	Mr. Cressey,
Mr. Cornell,	Mr. Howe,	Mr. Purdy,

Mr. Case,	Mr. Heath,	Mr. Phillips,
Mr. Eldred,	Mr. Kellogg,	Mr. Ralph,
Mr. Ferrington,	Mr. Kingsley,	Mr. Job Smith,
Mr. Felch,	Mr. Lothrop,	Mr. Shattuck,
Mr. Farrington,	Mr. Munger,	Mr. Thayer,
Mr. Field,	Mr. Martin,	Mr. Wing,
Mr. Foot,	Mr. McGaffey,	Mr. Yerkes,
Mr. Gilbert,	Mr. McCamly,	Mr. Speaker,
Mr. Herrington,		

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NAYS.

Mr. Levake,

1

On motion of Mr. Alden, the journal of the proceedings of said select committee were ordered to be placed upon the journal of the House.

(See Document No. 3.)

On motion of Mr. Alden, Messrs. Cornell and Heath were added to the select committee to which title eight of part first of the revision of the laws from the Senate, was referred.

On motion of Mr. Thayer, the House adjourned.

Friday, December 8.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Burbank, Ballard, Burke, Lothrop, McCamly, Thayer and Wisner.

The journal of yesterday being read,

Mr. Alden presented a petition from Harvey L. Russell, praying for the passage of a law awarding him certain sums of money, for services performed by him in support of the supremacy of the laws, which was referred to the committee on claims.

Mr. Eldred presented a petition from sundry inhabitants of Climax, county of Kalamazoo, praying that township three south, range nine west, be set off from the town of Comstock, and formed into a separate township to be called Climax. Referred to the committee on the organization of towns and counties.

The Chair announced the following message from the Senate:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit title twelve of part first of the revision of the

laws, as the same has passed the Senate, in which the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Alden, the House took up for consideration title twelve of part first of the revision of the laws, from the Senate, as in committee of the whole.

Mr. Field moved to amend chapter sixty-four by striking out in the tenth line of section nine, the words "natural," and "history of all religions," which was negatived.

On motion of Mr. Kellogg, chapter sixty-five was amended by striking out in third line of section three, the word "twenty-five," and inserting the word "ten," in lieu thereof.

On motion of Mr. Burbank, said chapter was further amended by striking out in the second line of the second proviso to the third clause of section thirteen, the word "two," and inserting the word "four."

On motion of Mr. Eldred, section seven was amended by inserting after the word "act," in the second line, the words "for a period of six months."

On motion of Mr. Alden, section thirteen was amended by inserting after the word "tax," in the first line of the fourth clause, the words "upon parents and guardians."

On motion of Mr. McGaffey, said section was further amended by inserting after the word "guardians," in same line, the words "in proportion to the number of scholars sent, and time they shall attend school."

On motion of Mr. Shellhouse, section twenty-four of chapter sixty-five was amended by adding to second clause the following proviso, viz: "Provided, every organized township shall be divided into at least four districts."

Mr. Burbank moved further to amend said chapter by striking out all after the word "kept," in the twentieth line of clause seven of section thirteen, which was negatived.

On motion of Mr. Alden, the fourth clause of section thirteen was amended by striking out in the tenth line the words "parents and guardians;" also, all after the word "appendages," in the eleventh line, and inserting the following proviso, viz: "Provided, That all expenses for fuel shall be a tax upon the inhabitants sending pupils to school, in proportion to the number of pupils and the time they shall attend school."

On motion of Mr. McKeen, the following proviso was added to the fourth clause of section nineteen, viz: "Provided, That no money shall be paid to any teacher who has not received a certificate, as provided in the twenty-ninth section of this chapter."

Mr. Purdy moved to substitute the following to stand as clause three of section eighteen, viz:

"Whenever the apportionment shall not be sufficient to pay for the services of any teacher, it shall be the duty of the district board, at the expiration of the term for which the teacher may have been employed, upon receiving the list or account, to make out a bill containing the name of each person who may have sent scholars to the said school, the number of days the scholars sent by each individual attended, and the amount of tax against each individual assessed, which assessment shall be in proportion to the whole number of days his or her scholars shall have attended the school; and to such bill the district board shall annex a warrant, directed to the assessor, to levy and collect the sums in said bill mentioned, from the persons therein taxed, by distress and sale of the goods and chattels of the persons in said bill taxed, wheresoever found in said district."

While the motion was pending, on motion of Mr. McKeen, said title was referred to the committee on education.

Mr. Ely, from the committee on internal improvement, to which was referred a joint resolution relative to the loaning of a certain quantity of iron to the Pontiac railroad company, reported the same to the House with an amendment, which was concurred in. Said resolution was then read a third time and passed.

Title seven, part first of the revision of the laws was taken up for consideration.

On motion of Mr. Alden, said title was ordered to be engrossed for a third reading.

Said engrossed title seven was then read a third time and passed.

Mr. Kingsley from the committee on the judiciary, to which was referred title one of part fourth of the revision of the laws, reported the same to the House without amendment.

Said title was then taken up for consideration.

Mr. Eldred moved to amend chapter one hundred and forty-four of said title, by striking out in the second line of section one, the words "of death for the same," and insert the words "by solitary imprisonment in the state prison for life;" pending which motion, on motion of Mr. Burbank, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

The question recurring upon striking out the words "of death for the same," as proposed by Mr. Eldred this morning, and inserting the words "by solitary imprisonment in the state prison for life,"

While the question was pending, on motion of the Speaker, (Mr. Alden in the chair,) said title was laid upon the table.

Mr. Cornell, from the select committee to which was referred "An act suspending certain provisions of law, and for other purposes," reported a bill entitled "An act to amend 'An act suspending certain provisions of law, and for other purposes.'"

Said bill was read a first and second times, and committed to a committee of the whole House.

On motion of Mr. Cornell, the House resolved itself into a committee of the whole upon said above entitled bill, Mr. Alden in the chair, and after spending some time thereon, the committee rose, and through their chairman reported the same to the House with an amendment, which was concurred in.

On motion, the House adjourned.

Saturday, December 9.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Burke, Howe, Lothrop, Martin, Thayer and Wisner.

The journal of yesterday being read,

Mr. Almy presented a petition from sundry inhabitants of the county of Ottawa, praying for the organization of said county; also a petition from sundry inhabitants on the north side of Grand river in the county of Kent, praying for the organization of all that part of the county aforesaid, which lies north of Grand river into

a township by the name of Walker, and that the first town meeting be held at the school-house at the mission station ; which petitions were referred to the committee on the organization of towns and counties.

Mr. Alden, from the committee on education, to which was referred title twelve of part first of the revision of the laws, from the Senate, reported the same to the House with an amendment.

Said title was taken up for consideration, and the question being upon agreeing to the amendment reported by the committee, viz : to add the following to section nineteen to stand as the sixth clause:

"Sixth. To present at each annual meeting of the district a report setting forth an accurate account of all moneys received by them or any of them during the preceding year, and of the disbursement of the same, which report shall contain the items of such receipts and disbursements, and such reports shall be recorded by the directors, in a book to be provided for that purpose," it was agreed to.

Said title was then read a third time and passed.

On motion of Mr. Bingham, the bill entitled "An act to amend 'An act suspending for a limited time certain provisions of law, and for other purposes,'" yesterday laid upon the table, was taken up for consideration.

Mr. Alden moved said bill be engrossed for a third reading, which, on motion of Mr. Bingham, was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Felch,	Mr. Purdy,
Mr. Almy,	Mr. Farrington,	Mr. Phillips.
Mr. Bingham,	Mr. Foote,	Mr. Ralph,
Mr. Burbank,	Mr. Haskins,	Mr. Job Smith,
Mr. Cressey,	Mr. Heath,	Mr. Shattuck,
Mr. Calkin,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Cornell,	Mr. Levake,	Mr. Wing,
Mr. Case,	Mr. Munger,	Mr. Yerkes,
Mr. Eldred,	Mr. McGaffey,	Mr. Speaker,
Mr. Ferrington,		

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NAYS.

Mr. Butler,	Mr. Herrington,	Mr. McKeen,
Mr. Ballard,	Mr. Kellogg,	Mr. McCamly,
Mr. Field,		

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The engrossed bill entitled as above, was taken up, read the third time and passed.

On motion of Mr. McGaffey,

Resolved, That the Bank Commissioner be and he is hereby directed to lay before this House forthwith such facts as are in his possession, showing whether any banks in this state based on the general banking law, have notes or bills in circulation as money, exceeding twice and a half the amount of stock paid in and actually possessed by such banks, or any other facts within his knowledge, showing a violation of law by any of said banks, and that he further report what banks, (if any) have availed themselves of the provisions of the "Act suspending for a limited time certain provisions of law, and for other purposes."

The Chair announced the following message from the Senate :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return title three of part first, and title one of part second of the revision of the laws, with sundry amendments, in which the concurrence of the House of Representatives is respectfully requested.

Title three of part first of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration.

The question being upon agreeing to the amendments proposed by the Senate to said title, said title and amendments were, on motion of the Speaker, (Mr. Alden in the chair,) referred to a select committee of three.

The Chair announced the following as said committee: Messrs. Wing, Felch and Lothrop.

The following message was received from the Senate through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return without amendment the resolution entitled "A resolution authorizing the sale of certain railroad iron by the commissioners of internal improvements."

Title one of part second of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the amendments pro-

posed by the Senate, the first and third were concurred in, and the second was non-concurred in.

On motion of Mr. Lothrop, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, Mr. Felch, from the committee on enrolment, reported as correctly enrolled, the joint resolution authorizing the sale of certain railroad iron by the commissioners of internal improvements.

On motion of Mr. Alden, the house took up for consideration as in committee of the whole, title one, part fourth of the revision of the laws.

The question recurring upon the motion of Mr. Eldred yesterday laid upon the table, viz: to amend the first section of chapter one hundred and forty by striking out the words "of death for the same," in the second line, and inserting the words "by solitary imprisonment in the state prison for life,"

The Speaker, (Mr. Alden in the chair) moved to amend the amendment, as follows: "all murder which shall be perpetrated by means of poison or lying in wait, or any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery, or burglary, shall be deemed murder of the first degree, and shall be punished by death; and all other kinds of murder shall be deemed murder of the second degree, and shall be punished by solitary confinement in the penitentiary for any term of years not less than years, nor more than years, at the discretion of the court trying the same."

On motion of Mr. Bingham, the question was decided by yeas and nays, in the affirmative, as follows:

YEAS.

Mr. Alden,
Mr. Burbank,
Mr. Ballard,
Mr. Ely,
Mr. Felch,
Mr. Farrington,
Mr. Herrington.

Mr. Kellogg,
Mr. Kingsley,
Mr. King,
Mr. Lothrop,
Mr. Munger,
Mr. McGaffey,
Mr. Mosely,

Mr. Purdy,
Mr. Phillips,
Mr. Job Smith,
Mr. Shattuck,
Mr. Wing,
Mr. Yerkes,
Mr. Speaker.

NAYS.

Mr. Bingham,	Mr. Eldred,	Mr. Haskins,
Mr. Butler,	Mr. Field,	Mr. McKeen,
Mr. Calkin,	Mr. Foot,	Mr. Ralph,
Mr. Cornell,	Mr. Gilbert,	Mr. Shellhouse,
Mr. Case,		

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Mr. Ely moved to amend the amendment by striking out the word "death," when it occurs, and inserting "solitary confinement in the state prison for life," in lieu thereof, which, on motion of Mr. Bingham, was decided by yeas and nays, in the negative as follows :

YEAS.

Mr. Bingham,	Mr. McKeen,	Mr. Howe,
Mr. Butler,	Mr. Ely,	Mr. Haskins,
Mr. Calkin,	Mr. Field,	Mr. Ralph,
Mr. Cornell,	Mr. Foot,	Mr. Job Smith,
Mr. Case,	Mr. Gilbert,	Mr. Shellhouse,
Mr. Eldred,		

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NAYS.

Mr. Alden,	Mr. Kellogg,	Mr. Purdy,
Mr. Burbank,	Mr. King,	Mr. Phillips,
Mr. Ballard,	Mr. Lothrop,	Mr. Shattuck,
Mr. Felch,	Mr. Munger,	Mr. Wing,
Mr. Farrington,	Mr. McGaffey,	Mr. Yerkes,
Mr. Herrington,	Mr. Mosely,	Mr. Speaker,

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The Speaker, (Mr. Alden in the chair) moved further to amend the amendment by striking out the word "solitary," and the words "not less than years, nor more than years," when they occur, and inserting after the word "for," when it occurs in said amendment, the words "life or," which motion was decided in the affirmative.

The question recurring upon adopting the amendment as amended, as a substitute for said first section, it was decided in the affirmative.

Mr. Kingsley moved to strike out section two of said chapter. On motion of Mr. Ralph, the question was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Bingham,	Mr. Burbank,	Mr. Butler,
Mr. Ballard,	Mr. Gilbert,	Mr. Mosely,

Mr. Calkin,	Mr. Herrington,	Mr. Purdy,
Mr. Cornell,	Mr. Howe,	Mr. Phillips,
Mr. Case,	Mr. Haskins,	Mr. Ralph,
Mr. Eldred,	Mr. Kellogg,	Mr. Job Smith,
Mr. Ely,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Felch,	Mr. King,	Mr. Wing,
Mr. Farrington,	Mr. Munger,	Mr. Yerkes,
Mr. Field,	Mr. McGaffey,	Mr. Speaker,
Mr. Foot,		

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NAYS.

Mr. Alden, Mr. Lothrop, Mr. McKeen, 3

Mr. Calkin moved further to amend said title by striking out section forty-one in chapter one hundred and forty-one.

Mr. Lothrop moved to amend the amendment by striking out all after the word "punished," in line nine, to the word "by," in the tenth line. It was negatived.

Mr. Ralph moved further to amend the amendment by inserting after the word "thereof," in ninth line, the words "to the value of five dollars or more," which was decided in the affirmative.

The question recurring upon striking out said section, it was decided in the negative.

On motion of Mr. McKeen, section eight of chapter one hundred and thirty-nine was amended by striking out in fourth line, the word "ten," and inserting the word "twenty," in lieu thereof.

On motion of the Speaker, (Mr. Alden in the chair) said title was ordered to be engrossed for a third reading.

The engrossed title, title one of part fourth, was read a third time and passed.

On motion of Mr. King, the House adjourned.

Monday, December 11.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Burke, Lothrop, Martin and Wisner.

The journal of Saturday being read,

Mr. McCamly presented a petition from sundry inhabitants of the village of Branchville, in the township of Athens, and county

of Calhoun, praying for the alteration of the name of the village to that of Athens. Referred to the committee on the organization of towns and counties.

Mr. Ballard presented a petition from sundry inhabitants of the village of Tecumseh, praying for an amendment to the act incorporating said village, so as to give the board of trustees of said village sole power to grant licenses to sell spirituous liquors. Referred to the committee on banks and incorporations.

Mr. Alden, from the select committee to which was committed title eight of part first of the revision of the laws, reported the same to the House with sundry amendments, and on his motion, said title was taken up for consideration as in committee of the whole.

The question being upon agreeing to the several amendments reported by the select committee to said title, viz : to strike out in section nine of chapter forty-three, in the fourth line, the words "twenty-four hours," and insert the words "a reasonable time ;" also in section eighteen, line ten, striking out the word "near ;" also in section thirty-one, strike out the words "six months," in line ten, and insert at the end of the line, the words "not exceeding six months ;" also in section thirty-six, to strike out all after the word "dollars," in the fourth line, they were agreed to.

Mr. Eldred moved to amend section thirty-six of said chapter, by adding the following as a proviso :

"Provided, however, The board of health of the town may license persons to inoculate in their families in cases where the public safety in their opinion, will justify such inoculation," which was negatived.

Mr. Ely moved to amend section forty-three of said chapter, by striking out the word "may," in first line, and insert the word "shall," in lieu thereof, which was negatived.

The question being upon agreeing to the amendment reported by the select committee, viz : to strike out Senate amendment, and restore the second section as reported by the reviser,

While the question was pending, on motion of Mr. Shellhouse, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the Chair announced a message from the Senate, through their secretary, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title twelve of part first, and title one of part second of the revision of the laws, and am directed to inform the House of Representatives that the Senate non-concur in the third amendment of the House to title twelve, part first, and have amended the seventh amendment, and concurred in the other amendments of the House to said title ; and also that the Senate have receded from their amendment to title one of part second, in which the House had non-concurred.

Title twelve, part first of the revision of the laws from the Senate, was taken up for consideration.

On motion, the House receded from their third amendment, and concurred in the amendment made by the Senate to the seventh amendment.

The House took up the unfinished business of the morning, viz : the consideration of title eight of part first of the revision of the laws from the Senate.

On motion of Mr. Bingham, section eight of chapter forty-four was amended by striking out all after the word "societies," in line three.

The question recurring upon agreeing to the report of the select committee, viz : to strike out section two of said chapter as inserted by the Senate, and restore section two as printed, it was agreed to.

The question being upon agreeing to the amendments reported by the select committee, viz : to strike out in section two, line eleven, in section four, line one, and in section five, line one, of said chapter, after the word "medical," the words "or botanical," they were agreed to.

The question being upon agreeing to the amendments reported by the said select committee, viz : to strike out the word "three," in lines three and seven of section eleven, and insert "four," in lieu thereof, they were agreed to.

Mr. Ralph moved to strike out the whole title, which was negatived.

On motion of Mr. Cornell, the following was added to the proviso of second section: "or in some county medical society, organized under the provisions of this chapter.

Said title, as amended, was then read a third time, and passed.

Mr. Felch moved a reconsideration of the vote taken on the final passage of the above title, which was decided in the affirmative.

Mr. Felch moved to recommit said title to the select committee on said title.

Mr. Alden moved to commit said title to the committee on the judiciary, which was negatived.

Mr. Bingham moved to commit said title to the committee on expiring laws and what new laws they conceive necessary, which was negatived.

The question recurring on the motion to recommit to the select committee, it was decided in the affirmative.

The following message was received from the Senate, through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title three of part second of the revision of the laws, with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Said title three of part second, with the amendments made thereto by the Senate, was taken up for consideration, as in committee of the whole.

The question being upon concurring in the amendment made by the Senate to said title, viz: to strike out sections six, seven and eight, and insert the following in lieu thereof—it was non-concurred in.

"Sec. 6. Nothing herein contained shall affect the validity of a nuncupative will in which the value of the estate bequeathed shall not exceed three hundred dollars: Provided the same shall be proved by two competent witnesses, nor prevent any soldier being in actual military service, nor any mariner being at sea, from

disposing of his wages and other personal estate by a nuncupative will as he might heretofore have done."

On motion of Mr. Ely,

Resolved, That the committee on internal improvements be, and they are hereby, instructed to inquire into the expediency of passing a law for the preservation of railroads or other works belonging to the state; and that they report by bill or otherwise.

On motion of Mr. Ely, the House adjourned.

Tuesday, December 12.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Calkin, Lothrop, Levake, McCamly, Mosely, Shattuck and Wisner.

The journal of yesterday being read,

Mr. Alden, from the select committee to which was recommit-
ted title eight of part first of the revision of the laws, from the Se-
nate, reported the same to the House with an amendment.

Mr. Burbank gave notice, that on some future day, he should
ask leave to bring in a bill to amend an act entitled "An act to in-
corporate the Detroit and Pontiac turnpike company."

Title eight of part first of the revision of the laws from the Se-
nate, with the amendment reported by the select committee, was
taken up for consideration as in committee of the whole.

The question being upon agreeing to the amendment reported
by the select committee, viz: to restore section eight of chapter
forty-four, as originally reported by the reviser, it was, on motion
of Mr. Bingham, decided by yeas and nays, in the negative, as
follows:

YEAS.

Mr. Alden,
Mr. Cressey,
Mr. Ely,
Mr. Farrington,

Mr. Field,
Mr. Foote,
Mr. Kellogg,
Mr. King,

Mr. Ralph,
Mr. Wing,
Mr. Yerkes,
Mr. Speaker, 12

NAYS.

Mr. Brown,
Mr. Bingham,

Mr. Eldred,
Mr. Ferrington,

Mr. McGaffey,
Mr. McKeen,

Mr. Burbank,	Mr. Herrington,	Mr. Purdy,	
Mr. Butler,	Mr. Howe,	Mr. Job Smith,	
Mr. Ballard,	Mr. Haskins,	Mr. Shellhouse,	
Mr. Burke,	Mr. Munger,	Mr. Thayer,	
Mr. Case,			19

Mr. Alden moved to amend said title by inserting after the word "societies," in the third line of section eight, the whole of section nine as originally reported by the reviser.

Mr. Bingham moved to amend the amendment by striking out all of section eight, and on his motion, the question was decided by yeas and nays, in the affirmative, as follows:

YEAS.

Mr. Brown,	Mr. Ferrington,	Mr. McKeen,	
Mr. Bingham,	Mr. Field,	Mr. Purdy,	
Mr. Burbank,	Mr. Howe,	Mr. Job Smith,	
Mr. Butler,	Mr. Haskins,	Mr. Shellhouse,	
Mr. Eldred,	Mr. Martin,	Mr. Thayer,	15

NAYS.

Mr. Alden,	Mr. Herrington,	Mr. Ralph,	
Mr. Case,	Mr. Kellgogg,	Mr. Wing,	
Mr. Ely,	Mr. King,	Mr. Speaker,	
Mr. Farrington,	Mr. McGaffey,		11

The question being upon restoring section nine as originally reported by the reviser, it was decided in the affirmative.

Said title as amended, was then read a third time and passed.

On motion of Mr. Ralph, title thirteen of part first of the revision of the laws, heretofore laid upon the table, was taken up for consideration as in committee of the whole.

On motion of Mr. Alden, the blank in section seven of chapter sixty-six was filled with the word "ten."

Mr. McKeen moved to strike out all after the word "retained," in thirteenth line of section fourteen, which was agreed to.

On motion of Mr. McKeen, section seventeen was amended by striking out "deposit bank," and inserting "treasury."

On motion of Mr. Thayer, the word "governor," in the first line of section one of chapter sixty-eight, was stricken out, and "auditor general," inserted.

On motion of Mr. Burbank, section ten was amended by inserting after the word "except," in line two, the words "as provided in the ninth section."

Mr. Kellogg moved to amend section nine by striking out in the eighth line, the words "a sum not less than."

Mr. Bingham moved to amend said amendment by striking out all of the proviso to said section, which was negatived.

The question recurring on striking out, it was negatived.

Mr. Wing moved to strike out section sixteen, which was negatived.

On motion of Mr. Haskins, section seven of chapter sixty-six, was amended by striking out in line five, the words "one year," and inserting "three months."

On motion of Mr. Alden, said title was laid upon the table.

The Chair announced a message from the Senate through their secretary, in the words following :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return title three of part second of the revision of the laws, with an amendment made thereto by the Senate, and am direct to inform the House of Representatives that the Senate insist upon their amendment made to said title : I also herewith transmit "A joint resolution relative to the enrolment of the revised statutes," which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

Title three, part second of the revision of the laws, with the amendments made thereto by the Senate, was taken up and the amendments concurred in.

Said joint resolution relative to the enrolment of the revised statutes, was taken up and concurred in.

On motion of Mr. Felch, title two of part fourth of the revision of the laws, was taken up for consideration as in committee of the whole.

Mr. Field moved to amend section five of chapter one hundred and fifty, by striking out in lines three and four, the words "to the person who made the arrest, who shall cause the same to be delivered," which was negatived.

Mr. Wing moved to amend section twenty-three by striking out in line two, the words "one or more," and insert the word "two," which was negatived.

Mr. Field moved to amend section twenty-four of said chapter by striking out in line three, the words "prosecuting attorney or the," which was agreed to.

The Speaker, (Mr. Butler in the chair,) moved further to amend said section by inserting after the word "be," in line two, the word "forthwith;" also to strike out in line four, after the word "appear," the words "on or before the first day of the sitting thereof," which was agreed to.

On motion of the Speaker, (Mr. Butler in the chair,) section thirteen of chapter one hundred and fifty-one was amended by striking out the word "government," in line four, and inserting the word "state."

On motion of the Speaker, (Mr. Butler in the chair,) section five of chapter one hundred and fifty-two, was amended by striking out "fifteen," in line two, and inserting "thirty."

On motion of Mr. McGaffey, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

The unfinished business of the morning was taken up, viz: the consideration of title two of part fourth of the revision of the laws, as in committee of the whole.

On motion of the Speaker, (Mr. Butler in the chair,) section thirteen of chapter one hundred and fifty-five, was amended by striking out in line four, the word "office," and inserting the words "of state."

On motion of Mr. Field, section six of said chapter was amended by inserting after the word "crime," in line four, the word "committed."

On motion of Mr. Burbank, section two of chapter one hundred and fifty-five, was amended by striking out in line four, the word "eighteen," and inserting the word "twelve."

On motion of Mr. Field, section five of chapter one hundred and fifty-eight, was amended by inserting after the word "one," in line eight, the word "room."

On motion of Mr. Mosely, section three was amended by striking out all after the word "commissioners," in the fourth line.

The rule being suspended, said title was ordered to be engrossed for a third reading.

The engrossed title, title two of part four, was read a third time and passed.

The following message was received from the Senate, through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a joint resolution entitled "A resolution to authorize the board of internal improvement to loan or sell a locomotive engine," which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

Said joint resolution was taken up for consideration as in committee of the whole.

On motion of Mr. Felch, said resolution was referred to the committee on internal improvement.

The Chair announced the following communication, which was referred to the committee on claims :

OFFICE OF INTERNAL IMPROVEMENT, }
Detroit, December 14, 1837. }

To HON. C. W. WHIPPLE,

Speaker of the House of Representatives :

SIR—I have the honor to communicate the following copy of a resolution this day adopted by the commissioners of internal improvement :

" Resolved, That the president of the board be instructed to communicate to the legislature, the facts in relation to the injury sustained by Samuel Gunn, while in the service of the state, and request the passage of a resolution authorizing a compensation to be made to him, and others similarly situated."

In compliance with these instructions, I most respectfully beg leave to state that Mr. Gunn was employed on the central railroad as a teamster, at the rate of sixteen dollars per month, and that on the 7th day of September, while removing heavy timber, received a severe fracture of his leg, which has disabled him since that time, and he now comes before the board, and prays for a consideration from the state. The earliest action, consistent with the convenience of the legislature, on the subject, is to the petitioner desirable, he having a family destitute of support.

With high regard,

Your obedient servant,

J. BURDICK,

President Board of Internal Improvement.

The Chair announced the following communication, which was laid upon the table :

To HON. C. W. WHIPPLE,

Speaker of the House of Representatives:

In obedience to a resolution of the House of Representatives, passed on the ninth instant, directing me to lay before that honorable body, certain facts relative to the conduct and condition of the banks which have come into existence under the general banking law. I have the honor to communicate the following :

I have, in the course of my duties inspected the affairs of six of these institutions, viz :

Grand River bank, Farmers' bank of Homer, Bank of Marshall, Bank of Brest, Bank of Oakland, Bank of Utica.

To the interrogatory—Have any of these banks, notes or bills in circulation, *as money*, of an amount exceeding twice and one-half the amount of their capital actually paid, I am enabled to reply in the negative, both from examination of their affairs, and their returns verified under oath.

Of any violation of the law by any or either of the above named banks, I have no knowledge.

The Bank of Oakland alone, has signified its assent to the provisions of the "Suspension Act."

I have the honor to be,

Your obedient servant,

E. N. BRIDGES,

Bank Commissioner, State of Michigan.

Detroit, Dec. 11, 1837.

On motion of Mr. Haskins, the House adjourned.

Wednesday, December 13.

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Butler, Calkin, Kingsley, Lothrop, Levake, Shattuck and Wisner.

The journal of yesterday being read,

Mr. Brown asked and obtained leave of absence for Mr. Shattuck, for the remainder of the week.

Mr. Cornell presented a petition from sundry inhabitants of the township of Aurelius, praying for the organization of surveyed township one north, of range one west, by the name of Seneca, and that the first township meeting be held at the house of Henry Fisk in said township. Referred to the committee on the organization of towns and counties.

On motion of Mr. Alden, title thirteen of part first of the revision of the laws, heretofore laid upon the table, was taken up for consideration.

On motion of Mr. Alden, section two of chapter sixty-eight was amended by adding the following words: "to be disposed of agreeably to the provisions of the third section of this chapter," and on his motion, the following was added to stand as section three:

"Sec. 3. The Auditor General may lease for a term of years not exceeding three, any lands belonging to this state, (other than the university and school lands and such lands as may be subject to sale by other provisions of law,) and all money arising by reason of any such lease, shall be paid into the treasury of this state, to be disposed of under the direction of the superintendent of public instruction, to the use and benefit of the branches of the university."

On motion of Mr. Alden, said title was ordered to be engrossed for a third reading.

Said engrossed title, title thirteen, was then read a third time and passed.

On motion of Mr. Alden, chapter ninety-seven of part third of the revision of the laws, was taken up for consideration as in committee of the whole, and on his motion was amended by striking out section fifteen.

On motion of Mr. Burbank, said chapter was further amended by striking out section seventeen.

On motion of Mr. Felch, said chapter was further amended by striking out section thirty-eight.

On motion of Mr. Field, section one was amended by adding the following: "and may adjourn the same from time to time, as the occasion may require."

On motion of Mr. Felch, said chapter was referred to the

select committee to which title three of part first was referred, and on his motion chapter one hundred and twenty-two of same part, was taken up for consideration as in committee of the whole.

On motion of Mr. Felch, section four was amended by striking out in line five, the words "and also against his body," also in line four, the words "the goods and estate of."

On motion of Mr. Field, section three was amended by striking out in lines two and three, the words "his body or his goods and estate."

On motion, said chapter was laid upon the table.

On motion of Mr. Cornell, chapter one hundred and five of part third was taken up, read the first and second times, and considered as in committee of the whole. After some time spent in the consideration of said chapter, it was, on motion, laid upon the table.

Mr. Cornell, from the select committee to which was referred "An act to organize and regulate banking associations," and the acts amendatory thereto, reported a bill entitled "An act to amend an act to organize and regulate banking associations," which was read the first and second times, and laid upon the table.

On motion of Mr. King, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, on motion of Mr. Alden,

Resolved, That a committee of three be appointed to take into consideration the propriety of making a new apportionment of representation at the present session, under the census taken the present year, and that they be instructed to report by bill or otherwise.

Mr. Alden moved to take up for consideration the bill laid upon the table at the extra session of the legislature, entitled "A bill to incorporate the bank of the commonwealth of Michigan."

On motion of Mr. Bingham, the question was decided by yeas and nays, in the affirmative, as follows:

YEAS.

Mr. Alden,
Mr. Brown,

Mr. Case,
Mr. Field,

Mr. Heath,
Mr. McKeen,

Mr. Burbank,
Mr. Ballard,
Mr. Cornell,

Mr. Gilbert,
Mr. Haskins,

Mr. McCamly,
Mr. Thayer,

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NAYS.

Mr. Bingham,
Mr. Burke,
Mr. Cressey,
Mr. Felch,

Mr. Foote,
Mr. Herrington,
Mr. King,
Mr. Martin,

Mr. Purdy,
Mr. Shellhouse,
Mr. Wing,
Mr. Yerkes,

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On motion of Mr. Felch, said bill was referred to the committee on banks and incorporations.

There not being a quorum present, the Chair adjourned the House.

Thursday, December 14.

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Case, Calkin, Levake, Wing and Wisner.

The journal of yesterday being read,

Mr. Cressey presented a petition from sundry inhabitants of the county of Lenawee, praying that the right of trial by jury may be extended to persons claimed as fugitive slaves, also praying that our representative in congress may be requested, and our senators instructed to oppose the annexation of Texas to the United States, and for other purposes ; and on his motion, said petition was referred to a select committee of five.

The Chair announced the following as said committee : Messrs. Cressey, Howe, McCamly, McKeen and McGaffey.

The Chair announced the following committee in pursuance of a resolution yesterday adopted, relative to a new apportionment of representatives, Messrs. Alden, Wing and Burbank.

Mr. Ely, from the committee on internal improvements, to which was referred a resolution from the Senate authorizing the board of internal improvements to loan or sell to the Pontiac railroad company a locomotive engine, reported the same to the House with an amendment, viz : to strike out the words " hire or," where they occur in said resolution, which was agreed to.

Said resolution as amended, was then read a third time and passed.

Mr. Farrington, from the committee on claims, to which was referred the petition of Robert Abbott and others, reported a bill entitled "A bill for the relief of Robert Abbott and others," which was read a first and second times and laid upon the table.

Mr. Ely, from the committee on internal improvements, which was instructed to inquire into the expediency of passing a law for the preservation of railroads and other works belonging to the state, reported a bill entitled "A bill for the preservation of railroads and other works belonging to the state," which was read a first and second times and laid upon the table.

Mr. Ely moved to take up for consideration the bills of incorporation postponed at the regular session of the legislature, on the twenty-second of March, to the ninth day of November last, which motion was negatived.

The Chair announced a message from the Senate in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title eight of part first of the revision of the laws, with the amendments made thereto by the House of Representatives, and am directed to inform the House that the Senate have concurred in the last of said amendments, and non-concurred in the others : I also herewith return title seven of part first of the revision of the laws, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Title seven of part first, with the amendments made thereto by the Senate, was taken up for consideration as in committee of the whole.

The question being upon concurring in the first, second, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, twentieth, twenty-first, twenty-second and twenty-third amendments of the Senate to said title, they were concurred in.

The question being upon concurring in the third amendment of the Senate, viz : to restore section eighty-four, it was, on motion of Mr. Bingham, decided in the negative, by yeas and nays, as follows :

1107 10

YEAS.

Mr. Alden,
Mr. Almy,

Mr. King,

Mr. Speaker,

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NAYS.

Mr. Brown,
Mr. Bingham,
Mr. Ballard,
Mr. Cressey,
Mr. Cornell,
Mr. Eldred,
Mr. Ely,
Mr. Ferrington,
Mr. Felch,
Mr. Farrington,
Mr. Field,

Mr. Foot,
Mr. Gilbert,
Mr. Herrington,
Mr. Howe,
Mr. Haskins,
Mr. Heath,
Mr. Kellogg,
Mr. Lothrop,
Mr. Levake,
Mr. Munger,

Mr. Martin,
Mr. McGaffey,
Mr. McKeen,
Mr. McCamly,
Mr. Purdy,
Mr. Ralph,
Mr. Job Smith,
Mr. Shellhouse,
Mr. Thayer,
Mr. Yerkes,

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The question being upon concurring in the fifteenth amendment of the Senate, viz : to insert after "barley," in line one, the words "or buckwheat," and add to said section "and forty-five pounds for a bushel of buckwheat,"

Mr. Field moved to amend by striking out the word "five," where it occurs in said amendment, which was agreed to.

The question being upon concurring in the eighteenth amendment to said title by the Senate, viz : to strike out section twenty-three and insert "if any person shall offer for sale by barrel or half barrel any salted beef or pork not containing the quantity required by law, he shall forfeit for each cask so offered or so sold a sum not exceeding ten dollars," in lieu thereof. Mr. Bingham called for a division of the question.

The question being upon striking out, it was agreed to.

The question recurring upon agreeing to the substitute to said section twenty-three, it was decided in the negative.

Title seven of part first, from the Senate, was taken up for consideration, and the House insisted upon their several amendments made to said title.

On motion of Mr. Bingham, a committee of conference was appointed upon the disagreement between the two houses upon title eight, part first of the revision of the laws.

The Chair announced the following as said committee : Messrs. Bingham, Alden and Cornell.

On motion of Mr. McGaffey, chapter one hundred and seven-

teen was taken up and considered as in committee of the whole, and after some time spent in the consideration of said chapter, it was, on motion of Mr. McGaffey, laid upon the table.

On motion, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, Mr. Wing, from the select committee to whom was committed title three of part first of the revision of the laws, with the amendments made thereto by the Senate, reported the same to the House and recommended that sundry amendments made to said title by the Senate be concurred in, and that sundry other of said amendments be non-concurred in.

Said title being under consideration as in committee of the whole,

The question being upon concurring in the amendments made by the Senate to said title, they were severally concurred in, except the amendments to chapter seventeen, viz : to strike out sections three, four and five, and insert as a substitute, sections three, four five, six, seven, eight and nine, and the amendment to chapter fourteen, section three, and to chapter sixteen, sections twenty-one and twenty-two, which were non-concurred in.

On motion of Mr. Cornell, the House adjourned.

Friday, December 15.

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Burbank, Calkin, Kingsley, Phillips, Thayer, Wisner, and Yerkes.

The journal of yesterday being read,

Mr. McGaffey asked and obtained leave of absence for Mr. Yerkes, Mr. Brown for Mr. Burbank, Mr. Case for Mr. Kingsley, and Mr. Shellhouse for Mr. Phillips, until Monday next.

Mr. Ballard presented a petition from D. Pittman, praying for the passage of a law authorizing the payment of a certain claim. Referred to the committee on claims.

Mr. Wing presented a petition from James Mulhollen praying for the passage of a law authorizing the payment of a certain claim. Referred to the committee on claims.

On motion of Mr. Alden, chapter one hundred and eight of part third was taken up, read a first and second times, and considered as in committee of the whole.

Mr. Field moved to amend said chapter by striking out "or dismiss the action without costs," in section twenty-one, which was negatived.

Said chapter was then laid upon the table.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title seven of part first of the revision of the laws, and am directed to inform the House of Representatives that the Senate have receded from their third amendment to said title, which had been non-concurred in by the House, and have concurred in the amendments made by the House to the fifteenth and eighteenth amendments of the Senate. I am also directed to inform the House of Representatives that Messrs. Barry, Manning and McKey, have been appointed a committee of conference on the part of the Senate on the disagreement between the two houses on title eight of part first, and that Messrs. Clark, Ellis and Comstock have been appointed a committee of conference on the part of the Senate on the disagreement between the two houses on title three of part first of the revision of the laws, and that the Senate respectfully request the appointment of a similar committee on the part of the House.

The Chair announced the following committee of conference on the part of the House on the disagreement between the two houses, on title three of part first of the revision of the laws: Messrs. Wing, Felch and Brown.

On motion of Mr. Lothrop, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the Chair announced a message from the Senate, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title nine of part first of the revision of the laws, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Said title, title nine of part first of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the amendment made by the Senate, viz : to strike out section six of chapter fifty-one, it was, on motion of Mr. McKeen, non-concurred in, by yeas and nays, as follows :

YEAS.

Mr. Burke,	Mr. Herrington,	Mr. Shellhouse,	10
Mr. Cressey,	Mr. McGaffey,	Mr. Thayer,	
Mr. Case,	Mr. McKeen,	Mr. Speaker,	
Mr. Ferrington,			

NAYS.

Mr. Alden,	Mr. Farrington,	Mr. King,	20
Mr. Bingham,	Mr. Field,	Mr. Lothrop,	
Mr. Ballard,	Mr. Foote,	Mr. Munger,	
Mr. Cornell,	Mr. Gilbert,	Mr. Purdy,	
Mr. Eldred,	Mr. Howe,	Mr. Ralph,	
Mr. Ely,	Mr. Haskins,	Mr. Wing,	
Mr. Felch,	Mr. Kellogg,		

The question being upon concurring in the amendment made by the Senate, viz : to strike out all after the word "liquors," in line four of section twenty-two of chapter forty-nine, it was non-concurred in.

The question being upon concurring in the other amendments made by the Senate, they were severally concurred in, except the following, viz : to strike out chapters forty-five and forty-six, and inserting a substitute to said chapters.

On motion of Mr. Felch, the substitute to said chapters was referred to a select committee of three.

The Chair announced the following as said committee: Messrs. Eldred, Howe and McGaffey.

On motion of Mr. Eldred, the twenty-first rule was suspended, and he asked and obtained leave to introduce chapter "Of the destruction of wolves and panthers."

Said chapter was read a first and second times, and laid upon the table.

On motion of Mr. Thayer, the House adjourned.

Saturday, December 16.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Almy, Calkin, Mosely and Wisner.

The journal of yesterday being read,

Mr. Burke presented a petition from E. B. Sherman and Benjamin Sherman, praying the legislature to stay proceedings on the southern railroad west of Centreville, and on his motion, said petition was referred to a select committee of five, to be appointed.

Mr. Eldred, from the select committee to which was referred an amendment of the Senate to title nine of part first of the revision of the laws, reported the same to the House, and recommended that the amendment be concurred in, which was agreed to.

The House took up chapter one hundred and twenty-three of part third of the revision of the laws, which was read a first and second times, and considered as in committee of the whole.

On motion of Mr. McGaffey, section four was amended by striking out in line five, the words "or judges," and inserting after the word "justices," in same line, the words "or judges."

On motion of Mr. Bingham, section five was amended by inserting before the word "the," where it first occurs in the fifth line, the words "in the name of."

On motion of Mr. McGaffey, section twenty-eight was amended by striking out the word "person," in the first line, and inserting the words "sheriff, deputy sheriff, coroner or other public officer."

On motion of Mr. Felch, said chapter as amended was referred to a select committee of three.

The Chair announced the following as said committee: Messrs. Felch, McGaffey and Cressey.

Mr. Felch, on leave granted, offered the following joint resolution:

Resolved, (if the Senate concur,) That a committee to consist of five members, three from the House, and two from the Senate,

be appointed to inquire into and report the most advisable method of publishing and distributing the revised code of laws.

On motion of Mr. Felch, the sixteenth rule was suspended, and said resolution was adopted.

On motion, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

On motion of Mr. Alden, the House took up the bill entitled "An act to amend an act to organize and regulate banking associations;" and on his motion the House resolved itself into a committee of the whole, Mr. McGaffey in the chair, upon said bill, and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Wing, from the committee of conference upon the disagreement between the two houses, upon title three of part first of the revision of the laws, reported said title to the House with sundry amendments; also reported that the Senate had receded from their amendment to section twenty-two, chapter sixteen; also to section three, chapter fourteen; and that the House had receded from their amendment to section twenty-one, chapter sixteen, and had amended the amendment of the Senate to section five, chapter fifteen, line three, so that it shall read "not donated for special purposes."

On motion, the report of said committee was accepted, and the amendments to said title were concurred in.

On motion of Mr. Purdy, the House adjourned.

Monday, December 18.

The House met pursuant to adjournment.

The roll being called, the following members were absent:

Messrs. Howe, Levake, Thayer and Wisner.

The journal of Saturday being read,

The Chair announced a message from the Senate, in the words following:

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives, that the Senate

have concurred in the resolution relative to a joint committee on the publication and distribution of the revised statutes, and that Messrs. Manning and Britain have been appointed on said committee on the part of the Senate. I also herewith return title one, part fourth of the revision of the laws, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Title one of part fourth of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, and thirty-second amendments made by the Senate to said title, they were severally concurred in.

The question being upon concurring in the fourteenth amendment of the Senate to said title, Mr. Felch moved to amend the amendment by inserting after the word "bank," in the first, second and fourth lines of said amendment, the words "or banking associations," which was agreed to; and the amendment as amended was concurred in.

The question being upon concurring in the amendment of the Senate to section three of chapter one hundred and forty-five, viz: to strike out all after the word "matrimony," it was, on motion of Mr. Bingham, non-concurred in, by yeas and nays, as follows:

YEAS.

Mr. Alden,	Mr. Case,	Mr. King,	
Mr. Almy,	Mr. Heath,	Mr. McKeen,	8
Mr. Cressey,	Mr. Kellogg,		

NAYS.

Mr. Bingham,	Mr. Farrington,	Mr. McGaffey,	
Mr. Butler,	Mr. Field,	Mr. Mosely,	
Mr. Ballard,	Mr. Foote,	Mr. Purdy,	
Mr. Burke,	Mr. Herrington,	Mr. Ralph,	
Mr. Cornell,	Mr. Haskins,	Mr. Job Smith,	
Mr. Eldred,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Ely,	Mr. Munger,	Mr. Wing,	
Mr. Felch,	Mr. Martin,	Mr. Speaker,	24

The question being upon concurring in the amendment made by the Senate to said title, viz: to strike out the fifteenth section of chapter one hundred and forty-five,

Mr. Lothrop moved to amend the amendment by inserting the following to stand as section fifteen.

Sec. 15. "If any person shall willfully blaspheme the holy name of God, by cursing or contumeliously reproaching God, or by cursing or contumeliously reproaching Jesus Christ or the Holy Ghost, he shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding three hundred dollars, and may also be bound to good behaviour."

On motion of Mr. Alden, the question was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Alden,	Mr. Field,	Mr. Lothrop,	
Mr. Ballard,	Mr. Foote,	Mr. Martin,	
Mr. Burke,	Mr. Herrington,	Mr. McGaffey,	
Mr. Eldred,	Mr. Haskins,	Mr. Purdy,	
Mr. Ely,	Mr. Kellogg,	Mr. Job Smith,	
Mr. Felch,	Mr. King,	Mr. Wing,	19
Mr. Farrington,			

NAYS.

Mr. Almy,	Mr. Howe,	Mr. McCamly,	
Mr. Bingham,	Mr. Heath,	Mr. Mosely,	
Mr. Cressey,	Mr. Levake,	Mr. Ralph,	
Mr. Cornell,	Mr. Munger,	Mr. Shellhouse,	14
Mr. Case,	Mr. McKeen,		

The question being upon concurring in the amendment as amended, it was, on motion of Mr. Howe, decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Field,	Mr. Lothrop,	
Mr. Ballard,	Mr. Foote,	Mr. Martin,	
Mr. Burke,	Mr. Herrington,	Mr. McGaffey,	
Mr. Eldred,	Mr. Haskins,	Mr. Purdy,	
Mr. Ely,	Mr. Kellogg,	Mr. Job Smith,	
Mr. Felch,	Mr. King,	Mr. Wing,	19
Mr. Farrington,			

NAYS.

Mr. Almy,	Mr. Howe,	Mr. McCamly,
Mr. Bingham,	Mr. Heath,	Mr. Mosely,
Mr. Cressey,	Mr. Levake,	Mr. Raiph,
Mr. Cornell,	Mr. Munger,	Mr. Shellhouse, 14
Mr. Case,	Mr. McKeen,	

The question being upon concurring in the thirty-first amendment made by the Senate to said title, Mr. Cressey moved to amend the amendment by striking out all after the word "dollars," in the last line of said amendment, and insert the words "and imprisonment in the county jail not exceeding one year," in lieu thereof, which motion was decided in the affirmative.

The question being upon agreeing to the amendment as amended, it was decided in the affirmative.

On motion of Mr. Lothrop, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The Chair announced the following as the select committee to whom was referred the petition of E. B. Sherman and B. Sherman : Messrs. Burke, Felch, Purdy, Burbank, and Brown.

The Chair announced the following message from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives, that the Senate insist on their amendments to title nine, part first of the revision of the laws, which had been non-concurred in by the House, and that Messrs. Kercheval, Barry and Hough have been appointed a committee of conference on the part of the Senate, on the disagreement between the two houses on said title.

The Chair announced the following as a committee of conference on the part of the House, on the disagreement between the two houses on title nine of part first of the revision of the laws: Messrs. Eldred, Field and Herrington.

The twenty-first rule being suspended, leave was granted to Mr. Alden to introduce a bill entitled "A bill authorizing the township board of school inspectors who have failed to make their reports to the county clerks of their respective counties, as required by the act entitled 'An act for the organization and sup-

port of primary schools,' to make said reports on or before the day of next ;" which was read a first and second times, and laid upon the table.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title three of part first of the revision of the laws, and am directed to inform the House of Representatives, that the Senate have concurred in the report of the committee of conference on said title.

On motion, chapter ninety-six of part third of the revision of the laws was taken up, read a first and second times, and considered as in committee of the whole.

Mr. McGaffey moved to amend section twelve, by striking out in the second line the words "invested or," and in the seventh line the words "think proper," which was negatived. Said chapter was then laid upon the table.

On motion of Mr. Felch, the House resumed the consideration of the bill entitled "A bill to amend 'An act to organize and regulate banking associations,'" in committee of the whole, Mr. McGaffey in the chair, and after some time spent thereon, the committee rose, and through their chairman reported progress and asked and obtained leave to sit again.

On motion, the House adjourned.

Tuesday, December 19.

The House met pursuant to adjournment.

The roll being called, the following members were absent:

Messrs. Bingham, Butler, Felch and Levake.

The journal of yesterday being read,

On motion of Mr. Ely,

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire into the propriety of the passage of a law, legalizing the proceedings of the board of supervisors of the county of Allegan, and that they report by bill or otherwise.

The Chair announced a message from the Senate, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title two of part fourth of the revision of the laws, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Title two of part fourth of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration; and the amendments made by the Senate to said title were severally concurred in.

The Chair announced a message from the Senate, in the words following:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title thirteen of part first of the revision of the laws, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Title thirteen of part first of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the amendments made by the Senate to said title, they were severally concurred in except the two following, viz: first, to strike out section sixteen of chapter sixty-six, and insert the following in lieu thereof:

“Sec. 11. The superintendent is also hereby authorized to employ, with the assent of the Governor, such assistants as may be necessary to carry into effect the provisions of this chapter, for whose acts the superintendent shall be responsible; and such assistants shall receive for their services a sum not exceeding three dollars per diem: Provided, That such assistants shall be employed only in the sale and disposition of the school and university lands.”

Also, second, the amendment to section eighteen of said chapter, to insert after the word “sold,” in the third line, the words “and which have once been offered for sale,” both of which amendments were non-concurred in.

On motion of Mr. Ely, chapter ninety-five, part third of the revision of the laws was taken up, and read a first and second times.

On motion of Mr. Alden, the House resolved itself into a committee of the whole, Mr. Eldred in the chair, upon said chapter ; and after some time spent thereon, the committee rose, and through their chairman reported the same to the House with an amendment, which was concurred in. On motion of Mr. McKeen, said chapter was laid upon the table.

On motion of Mr. Eldred, the House resolved itself into committee of the whole, Mr. Cornell in the chair, upon chapter part "Of the destruction of wolves and panthers," and after some time spent therein, the committee rose, and through their chairman reported the same to the House, with sundry amendments, which were concurred in. On motion of Mr. Eldred, said chapter was further amended by inserting after the word "whelp," in the fourth line of section first, the words "under the age of three months."

On motion of Mr. Eldred, the twenty-second rule was suspended, and said chapter was ordered to be engrossed for a third reading.

On motion of Mr. Eldred, the engrossed chapter, chapter "Of the destruction of wolves and panthers," was read the third time and passed.

On motion of Mr. Ely, the House resolved itself into a committee of the whole, Mr. McKeen in the chair, upon the bill entitled "A bill for the preservation of railroads and other works belonging to the state," and after some time spent therein, the committee rose, and through their chairman reported the same to the House with an amendment, which was concurred in.

The twenty-second rule being suspended, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Ely, the engrossed bill entitled as above, was read the third time and passed.

The Chair announced a message from the Senate, in the words following :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return title nine of part first of the revision of the laws, with the report of the committee of conference on said title, and am directed to inform the House of Representatives that the Se-

nate have concurred in the amendments proposed by said committee. I am also directed to inform the House of Representatives, that the Senate have concurred in the report of the committee of conference on title eight of part first; and that the Senate have concurred in the amendments of the House to the fourteenth and thirty-first amendments made by the Senate to title one of part fourth, and that Messrs. Barry, Britain and Moore have been appointed a committee of conference on the part of the Senate, on the remaining disagreements between the two houses on said title.

The House took up for consideration title nine of part first of the revision of the laws, with the amendments reported by the committee of conference on said title, viz: to strike out all after the word "against," in the second line of the sixth section, and insert in lieu thereof "all penal laws of this state," and in section twenty-two, line four, strike out the words "and no excise or fee," and insert in lieu thereof "one-half the usual excise and fee." On motion, the amendments proposed by said committee were concurred in.

The Chair announced the following committee of conference on the part of the House, on the disagreement between the two houses upon title first, part fourth, viz: Messrs. Wing, Lothrop and Felch.

Mr. Bingham, from the committee of conference on title eight, part first, reported that they recommend the concurrence of both houses in the following amendments: 1st, that the amendments of the House to said title, be severally concurred in; 2d, that the eighth section as originally reported by the reviser, be retained; 3d, that the following shall stand as section ten: "the provisions of the two preceding sections shall in no case apply to that class of physicians, usually denominated 'botanic physicians.'" 4th, Alter the number of section ten to eleven, and make the remaining sections correspond.

The amendments proposed by said committee of conference, were concurred in except the third and fourth, which were non-concurred in.

On motion of Mr. Cornell, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called, the Chair announced a message from the Senate, in the words following:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill entitled "A bill to authorize the sheriff or other officers of the county of Lenawee, to use the jail built in Adrian, by the supervisors of said county," which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

The bill entitled "A bill to authorize the sheriff or other officers of the county of Lenawee to use the jail built in Adrian by the supervisors of said county," from the Senate, was taken up, read the first and second time, and laid on the table.

Mr. Alden asked and obtained leave of absence for Mr. Bingham, until Friday next.

Chapter ninety-seven of part third of the revision of the laws, was taken up for consideration, read the first and second time, and on motion of Mr. Cornell, the House resolved itself into a committee of the whole, Mr. Eldred in the chair, upon said chapter, and after some time spent thereon, the committee rose, and through their chairman reported the same to the House with sundry amendments, which were concurred in.

Mr. Lothrop moved further to amend said chapter by inserting after the word "state," in the third line, the words "and circuit for which he is appointed," which was negatived.

On motion of Mr. Almy, section five was amended by inserting after the word "Ionia," in third line, the word "Kent."

Mr. Felch moved to commit said chapter, together with chapter ninety-five, to a select committee of five.

Mr. Lothrop moved to amend by instructing the committee to report a bill to establish a supreme court, consisting of four judges, which judges shall perform circuit court duties.

The question being upon instructing the committee, it was, on motion of Mr. Lothrop, decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Ballard,	Mr. Heath,	Mr. McCamly,	
Mr. Eldred,	Mr. Lothrop,	Mr. Job Smith,	
Mr. Ely,	Mr. McGaffey,	Mr. Thayer,	
Mr. Haskins,	Mr. McKeen,	Mr. Yerkes,	12

NAYS.

Mr. Alden,	Mr. Herrington,	Mr. Ralph,	
Mr. Almy,	Mr. Kingsley,	Mr. Wing,	
Mr. Burke,	Mr. King,	Mr. Wisner,	
Mr. Felch,	Mr. Mosely,	Mr. Speaker,	
Mr. Field,	Mr. Purdy,		14

The question upon committing said chapters to a select committee of five, was decided in the affirmative.

The Chair announced the following as said committee: Messrs. Felch, Mosely, McGaffey, Wisner and Almy.

On motion, the House adjourned.

Wednesday, December 20.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Butler, Levake, Mosely and Wisner.

The journal of yesterday being read,

Mr. Felch, from the select committee to which was referred chapters ninety-five and ninety-seven of part third of the revision of the laws, reported the same to the House with sundry amendments.

Mr. Field asked and obtained leave of absence for Mr. Butler, for three days.

The following message was received from the Senate, through their secretary:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return without amendment, the bill from the House of Representatives entitled "A bill for the relief of John Goodrich."

The Chair announced a message from the Senate, in the words following:

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill entitled "A bill to amend an act entitled 'An act suspending for a limited time certain provisions of law, and

for other purposes,'” with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

The bill entitled “A bill to amend an act entitled ‘An act suspending for a limited time certain provisions of law, and for other purposes,’” with the amendment made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the amendment made by the Senate to said bill, viz. to strike out all after the enacting clause, and inserting the following :

“ That no bank going into operation after the third Monday of January, 1838, shall be permitted to suspend specie payment under the provisions of an act entitled ‘An act suspending for a limited time certain provisions of law, and for other purposes.’ ”

Mr. Wing moved to amend the amendment by striking out in the second line the words “ third Monday,” and inserting the words “ first day,” in lieu thereof, which was agreed to.

The amendment as amended was then concurred in.

On motion of Mr. Wing, chapters ninety-five and ninety-seven, with the amendments reported by the select committee, were taken up for consideration.

The question being upon agreeing to the report of the select committee, viz : to strike out sections three, four and five of chapter ninety-seven, and insert in lieu thereof the four following sections :

“ Sec. 3. The first circuit shall be composed of the counties of Wayne, Macomb, St. Clair, Michilimackinac and Chippewa, and the counties and districts respectively attached thereto for judicial purposes.

“ Sec. 4. The second circuit shall be composed of the counties of Monroe, Lenawee, Hillsdale, Branch, Calhoun and Jackson, and the counties and districts respectively attached thereto for judicial purposes.

“ Sec. 5. The third circuit shall be composed of the counties of St. Joseph, Cass, Berrien, Van Buren, Allegan, Kalamazoo, Kent and Ionia, and the counties and districts respectively attached thereto for judicial purposes.

"Sec. 6. The fourth district shall be composed of the counties of Washtenaw, Oakland, Genesee, Shiawassee, Livingston, Lapeer and Saginaw, and the counties and districts respectively attached thereto for judicial purposes."

Also strike out section fourteen of said chapter, and insert the following :

"Sec. 14. The terms of the circuit courts in the several counties, shall be held as follows :

"First circuit : In St. Clair, on the second Tuesdays in April and October, in each year ; in Macomb, on the third Tuesdays in April and October, in each year ; in Wayne, on the fourth Tuesdays in April, August and December, in each year ; in Michilimackinac, on the second Tuesday in July, in each year ; in Chippewa, on the third Tuesday in July, in each year.

"Second circuit : In Lenawee, on the second Tuesdays in April and October, in each year ; in Hillsdale, on the third Tuesdays of April and October, of each year ; in Branch, on the fourth Tuesdays in April and October, in each year ; in Calhoun, on the first Tuesdays in May and November, in each year ; in Jackson, on the second Tuesdays in May and November, in each year ; in Monroe, on the third Tuesdays in May, September and February, in each year.

"Third circuit : In St. Joseph, on the second Tuesdays of March and September, in each year ; in Cass, on the third Tuesdays of March and September, in each year ; in Berrien, on the fourth Tuesdays of March and September, in each year ; in Van Buren, on the first Tuesdays of April and October, in each year ; in Kalamazoo, on the second Tuesdays of April and October, in each year ; in Allegan, on the third Tuesdays of April and October, in each year ; in Kent, on the fourth Tuesdays of April and October, in each year ; in Ionia, on the first Tuesday in May, and the first Wednesday in November, in each year.

"Fourth circuit : In Washtenaw, on the first Tuesdays of April, August and December, in each year ; in Livingston, on the second Tuesdays of April and October, in each year ; in Oakland, on the third Tuesdays of April, August and December, in each year ; in Shiawassee, on the fourth Tuesdays of April and October, in each year ; in Genesee, on the first Tues-

day in May, and first Wednesday in November, in each year ; in Saginaw, on the second Tuesday in May, in each year ; in Lapeer, on the third Tuesday in May and November, in each year."

The report was agreed to.

Mr. McGaffey moved to commit said chapter as amended to a select committee of five, with instructions to said committee to report a bill to establish a supreme court, consisting of four judges, who shall perform circuit court duties, which, on motion of Mr. Wisner, was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Farrington,	Mr. McGaffey,	
Mr. Burbank,	Mr. Field,	Mr. McKeen,	
Mr. Ballard,	Mr. Gilbert,	Mr. Phillips,	
Mr. Burke,	Mr. Haskins,	Mr. Ralph,	
Mr. Calkin,	Mr. Heath,	Mr. Shattuck,	
Mr. Cornell,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Case,	Mr. Kingsley,	Mr. Thayer,	
Mr. Eldred,	Mr. Lothrop,	Mr. Yerkes,	24

NAYS.

Mr. Alden,	Mr. Howe,	Mr. Job Smith,	
Mr. Ely,	Mr. Levake,	Mr. Wing,	
Mr. Felch,	Mr. Martin,	Mr. Wisner,	
Mr. Herrington,	Mr. Mosely,	Mr. Speaker,	12

The Chair announced a message from the Senate, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a resolution which has passed the Senate, entitled "A resolution to authorize the Treasurer of the state to loan a certain sum of money," in which the concurrence of the House of Representatives is respectfully requested.

Said joint resolution was taken up, read the first and second times, and referred to the committee on ways and means.

On motion of Mr. Cornell, the House resumed in committee of the whole, Mr. McGaffey in the chair, the consideration of the bill entitled "A bill to amend 'An act to organize and regulate banking associations,'" and after some time spent therein, the

committee rose, and through their chairman reported the same to the House, with sundry amendments, which were concurred in.

On motion of Mr. Shellhouse, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

The Chair announced a message from the Senate in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title thirteen of part first of the revision of the laws, and the bill entitled "A bill to amend an act entitled 'An act suspending for a limited time certain provisions of law, and for other purposes,' " and am directed to inform the House of Representatives that the Senate have receded from their amendments to the above title, which had been non-concurred in by the House, and have also concurred in the amendments of the House to the above bill. I am also directed to inform the House of Representatives that the Senate have reconsidered their vote on concurring in the report of the committee of conference on title eight of part first of the revision of the laws, and have non-concurred in the several amendments proposed by said committee ; and have appointed Messrs. Comstock, Britain and Raynale a second committee of conference on the part of the Senate, on the disagreement between the two houses on the above title, and that they respectfully ask the appointment of a similar committee on the part of the House of Representatives.

The Chair announced the following as a second committee of conference on the part of the House upon the disagreement between the two houses upon title eight of part first of the revision of the laws, viz : Messrs. Alden, Cornell and Lothrop.

The Chair announced the following select committee to which was referred chapters ninety-five and ninety-seven of part third of the revision of the laws, with certain instructions, viz : Messrs. McGaffey, Cornell, Cressesey, Alden and Kingsley.

On motion of Mr. Alden, the House resumed the consideration of chapter ninety-six of part third of the revision of the laws, as in committee of the whole.

On motion of Mr. Eldred, section one hundred and five was amended by striking out in the eighth line, after the word "mortgagor," the words "or against his person."

Mr. Eldred moved to amend section one hundred and four of said chapter, by adding the following proviso :

"Provided, The mortgagor or his heirs or assigns, upon the payment of the amount of said sale, with the costs thereof, together with twenty per cent per annum, in trust thereon, within one year from said sale, to the mortgagor or his attorney, shall have the same right to redeem as in other cases," which was decided in the negative.

Said chapter was then laid upon the table.

On motion of Mr. Wing, the House took up for consideration the bill entitled "A bill to amend an act to organize and regulate banking associations."

Mr. McKeen offered a substitute to the whole bill, which the House refused to consider.

Mr. Felch moved further to amend said bill by striking out all after the word "liable," in the seventh line of the twenty-fifth section, to the word "four," in the ninth line, and insert in lieu thereof the words "in like manner," and to insert after the word "payment," in the ninth line, the words "of the full amount," which was, on his motion, decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Burbank,	Mr. Farrington,	Mr. Shattuck,
Mr. Ballard,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Burke,	Mr. King,	Mr. Wing,
Mr. Cressey,	Mr. Lothrop,	Mr. Yerkes,
Mr. Cornell,	Mr. Purdy,	Mr. Speaker,
Mr. Felch,	Mr. Phillips,	

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NAYS.

Mr. Alden,	Mr. Field,	Mr. Martin,
Mr. Calkin,	Mr. Gilbert,	Mr. McGaffey,
Mr. Case,	Mr. Herrington,	Mr. McCamly,
Mr. Eldred,	Mr. Kellogg,	

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On motion of Mr. Lothrop, said chapter was further amended by striking out in the sixth and seventh lines of section eleven,

the words "at a rate not exceeding two-thirds its true cash value."

On motion of Mr. Burbank, the vote taken upon considering the substitute offered by Mr. McKeen, to the above entitled bill, was reconsidered, and on motion of Mr. McKeen, said substitute was laid upon the table and ordered to be printed.

On motion of Mr. Lothrop, the House adjourned.

Thursday, December 21.

The House met pursuant to adjournment.

The roll being called, the following members were absent : Messrs. Felch, Levake, Martin and Wisner.

The journal of yesterday being read.

Mr. Wing asked and obtained leave of absence for Mr. Felch.

Mr. Cressey, from the committee on the organization of towns and counties, reported a "bill to organize the counties of Eaton and Ottawa," also "An act to organize certain townships," which were read the first and second times, and laid upon the table and ordered to be printed.

Mr. Cressey, from the select committee to which was referred a petition from sundry inhabitants of Lenawee county, "praying that the right of trial by jury may be extended to fugitive slaves, and for other purposes," made the following report, which, on motion of Mr. Alden, was laid upon the table and ordered to be printed.

The select committee to which was referred a petition from sundry inhabitants of Lenawee county, praying that the right of trial by jury may be extended to fugitive slaves, and for other purposes, report :

That several subjects upon which the petitioners solicit the action of the legislature, have been passed over in consequence of the advanced stage of the session at which the petition was received. Upon that part of the petition relating to slavery, however, your committee has been prompted to bestow more attention, as well from respect to the high character of the petitioners, as from a conviction that a large portion of community entertains erroneous opinions upon that important subject.

That slavery is not permitted to exist in Michigan, is conclusive evidence that the citizens of our state are opposed to that institution, and could the prayer of the petitioners be acted upon as an original proposition, little doubt exists that it would be promptly granted. To discuss the subject in this light, however, would be to lose sight of the true question at issue. With the benefits or evils, the justice or injustice of slavery, or the moral right of one man to hold another in bondage, we have nothing to do. The system is acknowledged and protected by our political institutions. It is based upon the same foundation that sustains the union of the states; and whatever is calculated to impair the constitutional rights of those states where slavery exists, must be perilous to our national existence. Under these circumstances, your committee feel it a duty to examine, not the merits of the original question, but the constitutional powers of a state to extend the right of trial by jury to fugitive slaves. The tenth article of amendments to the constitution of the United States, is in the following words, viz: "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Your committee infer that Congress can exercise exclusive jurisdiction, from two features in the constitution, first, over "all powers delegated by it," &c., as for example "to establish post offices and post roads." It cannot be supposed for a moment, that state authorities can interfere in carrying into effect the details of the post office department; and second, over all powers "prohibited by it to the states:" as for example, the third clause of the second section of the fourth article declares, that "no person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, *but shall be delivered up on claim of the party to whom such service or labor may be due.*" However odious the existence of slavery may be to us, the above clause indicates that all discussion on the part of state authorities, is distinctly prohibited. The language, "*shall be delivered up,*" is decisive, and any evasion on the part of state authorities, particularly in the present excited state of public feeling, would, in the opinion of your com-

mittee, be trifling with rights secured to our sister states by the constitution ; would pave the way to future and more decided aggressions ; would necessarily disturb that harmony which ought to be preserved at all hazards, and produce a collision between the states which could only end in a dissolution of the Union. Your committee contemplate with deep emotion the first advance, though scarcely perceptible, in such a chain of events.

Would extending the right of trial by jury to fugitive slaves, by state legislation, be such a step ? Your committee will briefly state the grounds which have led them to an affirmative decision. The constitutional provision above recited secures to the person to whom "such service or labor may be due," the *legal* right of claiming the fugitive wherever found, and the power to prescribe the mode of enforcing the claim is vested in Congress. Any regulation to discharge from such service or labor, is distinctly prohibited, while the requirement, "shall be delivered up," is imperative upon state authorities, and in the opinion of your committee, implies sufficient power in Congress to carry out and enforce the rule thus laid down in the constitution. If doubts are entertained of the correctness of this conclusion, the seventeenth clause of section eight, article one, may be quoted in its support : "to make all laws which may be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." In accordance with this clause, Congress, in an act approved February 12th, 1793, provided as follows : "Sec. 3. That when a person held to labor in any of the United States, or in either of the territories on the north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territories, the person to whom such service or labor may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city, or town corporate wherein such seizure or arrest shall be made, and upon proof, to the satisfaction of such judge or magistrate, either by oral tes-

timony, or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor, to the state or territory from which he or she fled."

If the law above quoted, is constitutional, (and your committee do not doubt it,) it would be difficult for a state legislature to establish any different manner of proceeding, without doing manifest violence to that provision of the constitution, (article six,) which declares that "this constitution and the laws which shall be made in pursuance thereof, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The petitioners ask the legislature to instruct our senators and request our representative in Congress to oppose the annexation of Texas to the United States. The impression that slavery would be one of the conditions of such annexation, would induce the committee to report a resolution in accordance with the prayer of the petition, were it not that the administration so recently and clearly pointed out the course to be pursued, a course fully concurred in by our senators and representative.

Your committee will conclude their report by recommending the adoption of the following resolution :

Resolved, That the legislature has not the constitutional power of extending the right of trial by jury to fugitive slaves.

Resolved, That this House cordially approve of the course pursued by the general government in relation to the annexation of Texas to the United States.

A. CRESSEY,

Chairman Committee.

Mr. Eldred, from the committee on ways and means, to which was referred the joint resolution "to authorize the Treasurer of this state to loan a certain sum of money," reported the same to the House without amendment.

Mr. McGaffey, from the select committee to which was referred chapters ninety-five and ninety-seven, with certain instructions, reported the same to the House agreeably to such instructions.

Mr. Farrington, from the committee on claims, to which was referred the claim of D. Pittman, reported adverse to the prayer of the petitioner, and requested the House to give the petitioner leave to withdraw his petition, which report was laid upon the table.

Mr. Farrington, from the committee on claims, to which was referred the claim of Samuel Gunn, made the following report, which was read and laid upon the table :

Your committee, to whom was referred the claim of Samuel Gunn for injuries he sustained, whilst in employ of the commissioners of internal improvement on the central railroad, having had the same under consideration, beg leave to report : That though the subject be one that calls on the feelings of humanity for alleviation, yet in the opinion of your committee, is not one that should be allowed by the legislature, as it would be establishing a precedent very injurious to the state ; we do therefore report adverse to the prayer of the petitioner, and respectfully ask to be discharged from the further consideration of the subject.

THOS. FARRINGTON,

Chairman of the Committee on Claims.

December 17th, 1837.

The Chair announced a message from the Senate, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the chapter entitled " Of the destruction of wolves and panthers," with sundry amendments made thereto by the Senate, and the bill entitled " A bill for the preservation of railroads and other works belonging to the state," with an amendment ; in which amendments the concurrence of the House of Representatives, is respectfully requested.

Chapter of title " Of the destruction of wolves and panthers," with the amendments made thereto by the Senate, was taken up for consideration and the amendments were severally concurred in.

The bill entitled "A bill for the preservation of railroads and other works belonging to the state," with the amendment made by the Senate, was taken up for consideration, and the amendment was concurred in.

On motion of Mr. Alden, the House resolved itself into a committee of the whole, Mr. Wing in the chair, upon the bill entitled "A bill authorizing the township boards of school inspectors, who have failed to make their report to the county clerk of the respective counties, as required by the act entitled 'An act for the organization and support of primary schools, to make said report, on or before the day of next ;'" and after some time spent therein, the committee rose and through their chairman reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Alden, said bill was further amended by inserting the following to stand as sections four and five :

"Sec. 4. All school districts which have failed to report to the township board of school inspectors, according to law, are hereby authorized to report at any time before the second Monday of March next.

"Sec. 5. The township board of school inspectors in the several townships, are hereby authorized and required to apportion the money which may come into their hands for the use of schools, among the districts, in their respective townships, which shall have made a legal report on or before the second Monday of March as aforesaid."

Said bill was then ordered to be engrossed for a third reading.

On motion of Mr. Alden, the twenty-second rule was suspended, and the engrossed bill entitled as above, was taken up, read the third time and passed.

On motion of Mr. Ely, the House resolved itself into a committee of the whole, Mr. McKeen in the chair, upon chapters one hundred and one hundred and one of part three of the revision of the laws, and after some time spent therein, the committee rose, and through their chairman reported the same to the House, with sundry amendments, which were concurred in. Said chapters were thereupon laid upon the table.

On motion of Mr. Almy, the House took up the bills this

morning laid upon the table, entitled "A bill to organize the counties of Eaton and Ottawa," and "A bill to organize certain townships," and on his motion, the House resolved itself into a committee of the whole, Mr. McGaffey in the chair, upon said bills, and after some time spent thereon, the committee rose, and through their chairman reported the same to the House, with sundry amendments, which were concurred in.

On motion of Mr. Cornell, the blank in the first section of the bill entitled "A bill to organize certain townships," was filled with the word "Leslie;" the blanks in the fourth section were filled with the word "Springport," and "Isaac B. Gates;" the blank in the sixth section was filled with the word "Pulaski."

On motion of Mr. Lothrop, said bill was amended by inserting the following to stand as section eleven:

"Sec. 11. This bill shall take effect and be in force on and after the first Monday of April next."

Said bill and the bill entitled "A bill to organize the counties of Eaton and Ottawa," were thereupon laid upon the table.

On motion of Mr. Farrington, the House resolved itself into a committee of the whole, Mr. Almy in the chair, upon the bill entitled "A bill for the relief of Robert Abbott and others," and after some time spent therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

On motion of Mr. McKeen, the account of Robert Abbott was laid upon the table and ordered to be printed.

On motion of Mr. Field, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

On motion of Mr. Ballard, the report of the committee on claims, on the petition of D. Pittman, this morning laid upon the table, was taken up for consideration, and recommitted to said committee.

Mr. McCamly gave notice that, at some future day, he should ask leave to bring in "A bill to authorize the executors of Ezra Convis, deceased, under the judge of probate of Calhoun county, to sell a part or all of the real estate of said deceased."

On motion of Mr. McGaffey, chapters ninety-five and ninety-seven, as reported by the select committee, were taken up for consideration.

The question being upon agreeing to the amendments reported by the select committee to chapter ninety-seven, viz: to insert the following to stand as section two:

"Sec. 2. A circuit court shall be holden in each of the organized counties of this state, as hereinafter provided, and one of the justices of the supreme court shall perform the duties of circuit judge in each of said circuits."

Also insert the following to stand as the third clause of the fourteenth section:

Third circuit: In St. Joseph, on the third Tuesdays of March and September, in each year; in Cass, on the fourth Tuesdays of March and September, in each year; in Berrien, on the first Tuesdays of April and October in each year; in Van Buren, on the second Tuesdays of April and October, in each year; in Kalamazoo, on the third Tuesdays of April and October, in each year; in Allegan, on the fourth Tuesdays of April and October, in each year; in Kent, on the first Tuesday of May, and first Wednesday of November, in each year; in Ionia, on the second Tuesdays of May and November, in each year."

The amendments were agreed to.

The question being upon agreeing to the amendments reported by the select committee to chapter ninety-five, viz: to strike out all of section seven to the proviso, in line fourteen, and insert the following in lieu thereof, viz:

"Sec. 7. When said court shall be held at the city of Detroit, it shall exercise its appellate jurisdiction in suits in chancery, and at law, and in probate cases, originating in the counties of Wayne, Macomb, St. Clair, Michilimackinac and Chippewa, and the counties and districts attached thereto for judicial purposes; and when the said court shall be held at the village of Adrian, it shall exercise the like jurisdiction in all such suits and cases originating in the counties of Monroe, Lenawee, Hillsdale, Branch, Calhoun and Jackson, and the counties and districts attached thereto for judicial purposes; and when the said court shall be held at the village of Kalamazoo, it shall exercise the like juris-

diction in all such suits originating in the counties of St. Joseph, Cass, Berrien, Van Buren, Kalamazoo, Allegan, Kent and Ionia, and the counties and districts attached thereto for judicial purposes; and when the said court shall be held at the village of Pontiac, it shall exercise the like jurisdiction in all such suits originating in the counties of Washtenaw, Oakland, Genesee, Shiawassee, Livingston, Lapeer and Saginaw, and the counties and districts attached thereto for judicial purposes."

Also in section six, fifth line, strike out "Ann Arbor," and insert "Pontiac;" and add to said section "at the village of Adrian, on the fourth Tuesdays of January and June, in each year."

The amendments were agreed to.

Mr. Purdy moved to recommit said chapters to the judiciary committee, with instructions to ascertain and report to the House, whether the system embraced in the bill before the House will meet the wants of the people of this state, and insure an impartial and speedy administration of justice, and that said committee be further instructed to report generally on the subject of a judicial system.

Mr. Burbank moved to amend the motion by referring said chapters back to the select committee, with instructions to divide the state into four judicial circuits, in such manner as will best accommodate the people of this state, which was agreed to.

On motion of Mr. McKeen, the House adjourned.

Friday, December 22, 1837.

The House met pursuant to adjournment.

The journal of yesterday having been read,

Mr. Kellogg asked and obtained leave of absence for Mr. Case, for the remainder of the session, after this week.

Mr. McGaffey, from the select committee to whom was re-committed chapters ninety-five and ninety-seven of part third of the revision of the laws, with certain instructions, reported the same to the House agreeably to such instructions.

The question being upon adopting the following to stand as

the fourth section of chapter ninety-seven as reported by the select committee, viz :

"Sec. 4. The first circuit shall be composed of the counties of Monroe, Lenawee, Hillsdale, Branch, St. Joseph, Cass, and Berrien ; the second circuit shall be composed of the counties of Wayne, Washtenaw, Macomb, and St. Clair ; the third circuit shall be composed of the counties of Van Buren, Allegan, Kalamazoo, Calhoun, Jackson, Ionia, and Kent, and the counties and districts respectively attached thereto for judicial purposes ; the fourth circuit shall be composed of the counties of Oakland, Livingston, Lapeer, Shiawassee, Genesee, Saginaw, Michilimackinac and Chippewa, and the counties and districts respectively attached thereto for judicial purposes."

Mr. Kingsley moved to amend by substituting the following to stand as section four :

"Sec. 4. The first circuit shall be composed of the counties of Monroe, Lenawee, Hillsdale, Jackson, Washtenaw, and Livingston ; the second circuit shall be composed of the counties of Branch, St. Joseph, Cass, Berrien, Van Buren, Kalamazoo, Calhoun, and Allegan ; the third circuit shall be composed of the counties of Oakland, Lapeer, Saginaw, Genesee, Shiawassee, Ionia, Kent, and Ottawa ; the fourth circuit shall be composed of the counties of Wayne, Macomb, St. Clair, Chippewa, and Michilimackinac," which motion was decided in the affirmative.

Mr. McKeen moved to amend the substitute by striking out the words "fourth circuit," and insert the words "first circuit," in lieu thereof, also to strike out the words "third circuit," and insert "fourth circuit," strike out "second circuit," and insert "third circuit," strike out "first circuit," and insert "second circuit," which motion was decided in the affirmative.

Mr. Wing moved a reconsideration of the vote taken upon the adoption of the substitute to section four as amended, which was negatived.

On motion of Mr. Kingsley, the House took up for consideration, the bill entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations.'"

Mr. McGaffey moved further to amend said bill, by substituting the following as a substitute to section seventeen.

"Sec. 17. It shall not be lawful for any such banking association to issue or put in circulation, as money, at any time an amount of notes or bills exceeding twice and a half the amount of its capital stock then paid in and actually possessed, nor shall its loans and discounts at any time exceed three times the amount of its capital stock so paid in and possessed," which motion was decided in the affirmative.

On motion of Mr. Lothrop, the substitute was amended by striking out the word "three," and inserting "twice and a half," in lieu thereof.

On motion of Mr. McGaffey, section twenty-five was amended by striking out "twice and a half," in the third line, and inserting the word "three" in lieu thereof.

On motion of Mr. Field, said section was further amended by inserting after the word "capacity," in the fifteenth line, the words "if required so to do, by the persons presenting such notes or bills."

Mr. McGaffey moved to amend section fifteen by striking out in line three the word "six," and inserting the word "twelve," which was decided in the negative.

Mr. Almy moved to add the following to stand as a separate section, which was decided in the negative.

"Sec. 39. The act suspending for a limited time certain provisions of law, and for other purposes," approved June 22, 1837, is hereby repealed.

On motion of Mr. Cornell, the following proviso was added to section eleven, viz :

"Provided, That any president, director, stockholder or cashier of any such association, who may have given the securities herein required, in whole or in part, and who may have disposed of his or their interest in such associations, shall be released at his option from all liabilities upon such securities by the Bank Commissioner, upon the condition that the president, directors and stockholders, who are hereby authorized and required to do so, shall give other equivalent securities to the satisfaction of said commissioner, and cause the same to be lodged and placed in the manner as hereinbefore directed.

Mr. Wing moved that the bill be engrossed for a third reading.

which was, on motion of Mr. McKeen, decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. McCamly,
Mr. Almy,	Mr. Field,	Mr. Purdy,
Mr. Burbank,	Mr. Gilbert,	Mr. Phillips,
Mr. Ballard,	Mr. Haskins,	Mr. Ralph,
Mr. Burke,	Mr. Heath,	Mr. Job Smith,
Mr. Cressey,	Mr. Kingsley,	Mr. Shattuck,
Mr. Calkin,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Cornell,	Mr. Munger,	Mr. Thayer,
Mr. Eldred,	Mr. Martin,	Mr. Yerkes,
Mr. Ferrington,	Mr. Monfore,	Mr. Speaker,

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NAYS.

Mr. Herrington,	Mr. McGaffey,	Mr. McKeen,
Mr. Kellogg,		

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The engrossed bill entitled as above, passed, on motion of Mr. McKeen, by yeas and nays, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Phillips,
Mr. Almy,	Mr. Haskins,	Mr. Ralph,
Mr. Burbank,	Mr. Heath,	Mr. Shattuck,
Mr. Ballard,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Burke,	Mr. Lothrop,	Mr. Thayer,
Mr. Cressey,	Mr. Martin,	Mr. Wing,
Mr. Cornel,	Mr. McCamly,	Mr. Yerkes,
Mr. Eldred,	Mr. Purdy,	Mr. Speaker,
Mr. Ferrington,		

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NAYS.

Mr. Case,	Mr. Herrington,	Mr. McGaffey,
Mr. Ely,	Mr. Kellogg,	Mr. McKeen,
Mr. Field,	Mr. King,	Mr. Job Smith,
Mr. Gilbert,	Mr. Monfore,	

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Mr. Lothrop, from the committee on enrolment, reported as correctly enrolled the bill entitled "A bill for the preservation of railroads and other works belonging to the state."

The Chair announced a message from the Senate, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill entitled "A bill authorizing the township

boards of school inspectors, who have failed to make their report to the county clerks of their respective counties, as required by the act entitled "An act to provide for the organization and support of primary schools, to make said report on or before the first Monday of April next," which the Senate have passed without amendment. I also herewith transmit a bill which has passed the Senate, entitled "A bill to provide for the safe keeping and management of the state library," which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

The bill from the Senate, entitled "A bill to provide for the safe keeping and management of the state library," was taken up for consideration, and on motion of Mr. Alden, the House resolved itself into a committee of the whole, Mr. Lothrop in the chair, upon said bill, and after some time spent therein, the committee rose, and through their chairman reported the same to the House with an amendment, which was concurred in.

The rule being suspended, said bill was read a third time, and passed.

The Chair announced the following committee on the part of the House, upon the joint resolution relative to the publishing and distributing of the revised code of laws: Messrs. Felch, Wing, and Alden.

On motion of Mr. Field, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

The House, on motion of Mr. Lothrop, resolved itself into a committee of the whole, Mr. Burbank in the chair, upon chapter ninety-nine of part third, of the revision of the laws, and after some time spent therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Wing, from the select committee, to whom was committed chapter ninety-seven (of probate courts) reported the same to the House without amendment.

On motion, the House adjourned.

The House met pursuant to adjournment.

The journal of yesterday being read,

The committee on roads and bridges, to whom was referred sundry memorials for the laying out and establishing certain state roads, report as follows :

J. ALMY,

Mr. Cornell offered the following joint resolutions, which were read, and by the rules, lay on the table one day.

Resolved, That the Secretary of State be, and he is hereby, authorized and required to furnish the state printer with copies of the same, together with an index and marginal notes.

Mr. McGaffey, from the select committee to which was committed chapters ninety-five and ninety-seven of part third of the revision of the laws, reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. Field, the bill from the Senate entitled "A bill to authorize the sheriff, or other officers of the county of Lenawee, to use the jail built in Adrian, by the supervisors of said county," was taken up and referred to a select committee of three. The Chair announced the following as said committee: Messrs. Field, Kellogg, and Job Smith.

On motion of Mr. McKeen, the House resumed, in committee of the whole, Mr. Burbank in the chair, the consideration of chapter ninety-nine of part third of the revision of the laws, "Of justices of the peace," and after some time spent therein, the committee rose, and through their chairman reported the same to the House.

Mr. Bingham moved that the committee of the whole be discharged from the further consideration of said chapter, and that said chapter be recommitted to the reviser of the laws, with instructions to report a chapter in conformity to resolutions which have passed both houses of the legislature, requesting him not to embody the principle of imprisonment for debt in the system of collection laws, which he may report for the adoption of the legislature, but to provide for the issuing of summary process for the commencement of suits and for the execution of judgments, unless the same shall be secured according to law.

Mr. McKeen called for a division of the question. The question being upon discharging the committee of the whole, it was, on motion of Mr. Bingham, decided by yeas and nays, in the affirmative, as follows:

YEAS.

Mr. Almy,	Mr. Kellogg,	Mr. Phillips,
Mr. Bingham,	Mr. Lothrop,	Mr. Ralph,
Mr. Eldred,	Mr. Levake,	Mr. Job Smith,
Mr. Ely,	Mr. Munger,	Mr. Shattuck,
Mr. Ferrington,	Mr. Martin,	Mr. Shellhouse,
Mr. Field,	Mr. McKeen,	Mr. Wing,
Mr. Herrington,	Mr. McCamly,	Mr. Speaker,

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NAYS.

Mr. Alden,	Mr. Gilbert,	Mr. McGaffey,
Mr. Burbank,	Mr. Haskins,	Mr. Purdy,
Mr. Ballard,	Mr. Heath,	Mr. Thayer,
Mr. Burke,	Mr. Kingsley,	Mr. Yerkes,
Mr. Farrington,	Mr. Monfore,	

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Mr. Lothrop moved to amend the motion to recommit said chapter to the reviser, by committing the same to the judiciary committee with said instructions, which was negatived.

The question being upon recommitting said chapter to the reviser,

Mr. Farrington moved to lay said motion upon the table, which, on motion of Mr. Bingham, was decided by yeas and nays, in the negative, as follows ;

YEAS.

Mr. Alden,
Mr. Burbank,
Mr. Burke,

Mr. Farrington,
Mr. Gilbert,
Mr. Haskins,

Mr. Levake,
Mr. Monfore,

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NAYS.

Mr. Bingham,
Mr. Ballard,
Mr. Calkin,
Mr. Eldred,
Mr. Ely,
Mr. Ferrington,
Mr. Field,
Mr. Herrington,
Mr. Kellogg,

Mr. King,
Mr. Lothrop,
Mr. Munger,
Mr. Martin,
Mr. McGaffey,
Mr. McKeen,
Mr. McCamly,
Mr. Purdy,

Mr. Phillips,
Mr. Ralph,
Mr. Job Smith,
Mr. Shattuck,
Mr. Shellhouse,
Mr. Thayer,
Mr. Wing,
Mr. Speaker,

25

And thereupon, Mr. Bingham withdrew his motion to recommit said chapter to the reviser, with the instructions.

Mr. Alden moved that the House take up said chapter for consideration.

Mr. Ely moved to amend the motion, by renewing the motion of Mr. Bingham to recommit said chapter to the reviser, with the instructions aforesaid, which, on motion of Mr. Lothrop, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Almy,
Mr. Bingham,
Mr. Eldred,
Mr. Ely,

Mr. Ferrington,
Mr. Herrington,
Mr. Kellogg,
Mr. Levake,

Mr. Martin,
Mr. Job Smith,
Mr. Shattuck,
Mr. Speaker,

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NAYS.

Mr. Alden,
Mr. Burbank,
Mr. Ballard,

Mr. Burke,
Mr. Calkin,
Mr. Farrington,

Mr. Field,
Mr. Gilbert,
Mr. Howe,

Mr. Haskins,
Mr. Kingsley,
Mr. King,
Mr. Lothrop,
Mr. Munger,
Mr. Monfore,

Mr. McGaffey,
Mr. McKeen,
Mr. McCamly,
Mr. Purdy,
Mr. Phillips,

Mr. Ralph,
Mr. Shellhouse,
Mr. Thayer,
Mr. Wing,
Mr. Yerkes,

25

The question recurring upon the motion of Mr. Alden, that the House proceed to the consideration of said chapter, it was decided in the affirmative, and the House thereupon proceeded to the consideration of said chapter.

The Speaker, (Mr. Kingsley in the chair,) moved that said chapter ninety-nine, be referred to the commissioner appointed to revise the laws, with instructions to make the same conform to the resolutions adopted by the legislature, in the years 1835 and 1836, respecting imprisonment for debt, which motion was decided in the affirmative.

On motion of the Speaker, (Mr. Kingsley in the chair,) chapter one hundred and sixteen of part third of the revision of the laws, "Of forcible entry and detainer," was taken up for consideration.

On motion of Mr. McKeen, section two was amended by striking out in line one the word "two," and inserting the word "three," in lieu thereof.

Mr. Burbank moved to amend section six by striking out in the twelfth line, the word "twenty," and inserting "sixty."

Mr. Kellogg moved to amend the amendment by inserting "thirty," which was agreed to.

On motion of Mr. Burbank, section nine was amended by striking out all after the word "offender," in the eighth line.

The Speaker, (Mr. Kingsley in the chair,) moved to amend section ten, by inserting after the word "certiorari," the words "in the event that the judgment of the court below is affirmed," which was agreed to.

On motion of Mr. Field, section six was further amended, by striking out in line twenty-four, the word "ten," and inserting the word "five," in lieu thereof.

Said chapter was then laid upon the table.

On motion of Mr. Kellogg, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

Mr. Lothrop, from the committee on enrolment, reported as correctly enrolled "A bill authorizing the township boards of school inspectors, who have failed to make their report to the county clerks of the respective counties, as required by the act entitled 'An act for the organization and support of primary schools,' to make said report on or before the first Monday of April next;" also chapter , title , "Of the destruction of wolves and panthers."

The resolution from the Senate "To authorize the Treasurer of the state to loan a certain sum of money," heretofore laid upon the table, was taken up for consideration.

On motion of Mr. McGaffey, said resolution was amended by striking out in the fifth line, the word "of," and inserting the words "not exceeding."

On motion of Mr. Alden, said resolution was further amended by striking out the words "shall," in the third line; said resolution was then read the third time and passed.

On motion of Mr. Aldea, four additional members were added to the committee on enrolment.

The Chair announced the following as said addition: Messrs. Wing, Cornell, McGaffey and Almy.

Mr. Field, from the select committee to which was referred the bill from the Senate entitled "A bill to authorize the sheriff or other officers of the county of Lenawee, to use the jail built in Adrian by the supervisors of said county," reported the same to the House without amendment.

Said bill was thereupon taken up, read a third time and passed.

On motion of Mr. Purdy, the House adjourned.

Monday, Dec. 25.

The House met pursuant to adjournment.

The roll being called, the following members were absent, Messrs. Cressey, Wing, and Wisner.

The journal of yesterday being read,

Mr. Bingham asked and obtained leave of absence for Mr. Cressey, until Wednesday.

Mr. Butler moved that leave of absence be granted to Mr. Ballard, for the remainder of the session, which was decided in the negative.

Mr. Lothrop asked and obtained leave of absence for Mr. Wing, until Wednesday.

Mr. McGaffey presented the following address and joint resolutions, which by the rules lay over one day :

The constitution of this state has guaranteed to the citizens thereof, certain rights which can only be enjoyed by having able and efficient men to administer the laws: men whose physical powers as well as legal and intellectual acquirements, fit them for this responsible duty.

The infirmities attendant on advanced age and ill health, are sometimes such as to disqualify men for these duties, who at another period in life, and under other circumstances, would perform them acceptably and creditably.

Whenever it is found that the people of this state are deprived of these constitutional rights and privileges, they have a right to expect that the constitutional prerogative of the legislative and executive departments of the government will be exercised to remedy the evil. Such appears to be the facts in the case of the honorable George Morell, one of the justices of the supreme court of this state.

By reason of ill health and the infirmity attendant on his advanced age, he has for a long time past been unable to perform the duties of his said office. It also appears that a long amount of business has accumulated on the dockets, in the several counties in the district depending on his services. Many persons having been for a long time imprisoned and cannot have that speedy administration of justice that law and humanity demands. In the case above named, we are assured that the health of the said Judge Morell is such as to forbid any hope that he will be able to perform the duties incumbent on his said office. But on the contrary, that the existing evils must continue to increase as long as he remains in his said office ; therefore,

Resolved, By the Senate and House of Representatives of the State of Michigan, That by reason of the infirmity attendant on the advanced age and the ill health of the Hon. George Morell, it is highly necessary that his said office should be filled by some other person.

Resolved, That his Excellency Stevens T. Mason, Governor of the state of Michigan, be and he is hereby requested, for the reasons before named, to remove the said Judge Morell from his said office of justice of the supreme court of this state, to the end that some person may be appointed to perform the duties of said office.

Mr. Field offered the following resolution, and moved its adoption :

Resolved, That the Detroit Glee Club, be permitted to occupy the Hall of the House of Representatives, on Thursday evening of the present week, for the purpose of giving a concert of vocal and instrumental music.

The question on the adoption of the above resolution, was decided in the negative.

The Chair announced the following communication, from the Hon. Wm. A. Fletcher, reviser of the laws, which was laid upon the table.

To the Honorable the House of Representatives of the State of Michigan,

The undersigned has the honor to acknowledge the receipt of chapter ninety-nine of the revised code, submitted by him to the legislature, recommitteed by your honorable body on the twenty-third instant, with instructions to make the same conform to the resolutions adopted by the legislature, in the years 1835 and 1836, respecting imprisonment for debt ; and he respectfully asks leave to submit to your honorable body, by way of respectful explanation to them, and of reasonable excuse on his own part, for having prepared and reported that chapter with its present practice of imprisonment for debt, the following facts : That he has never received a copy of any resolution adopted by the legislature in the years 1835 or 1836, respecting imprisonment for debt, and that he is not now able to find any resolution adopted in either of those years : That a joint resolution of both houses was

adopted and approved March 2, 1837, but that he has never received any copy thereof, except that contained in the printed laws of the last session of the legislature, which he received some time in August last, and that he was not apprised in fact of its existence, until about ten days since, and after chapter ninety-nine had been prepared and sent to the printer; that he has had no other knowledge of any resolution or action of the legislature, or of either branch thereof, as to any directions or instructions to the undersigned respecting the abolishing imprisonment for debt, except by the accompanying communication to him, received some time during last winter, which purports to be a report only of a committee, as he supposed, of your honorable body.

The undersigned therefore trusts, that under the circumstances above stated, he will stand acquitted of any intentional disrespect of the legislature, while acting in an employment under their special authority and direction.

All which is respectfully submitted.

WM. A. FLETCHER.

Dec. 25, 1837.

On motion of Mr. Ralph, chapter one hundred and two of title two, part third of the revision of the laws, "Of actions in general," was taken up, read first and second times, and considered as in committee of the whole, and after some time spent in consideration of said chapter, it was, on motion, laid upon the table.

The joint resolutions heretofore laid upon the table relative to the publication and distribution of the act to provide for the organization and support of primary schools, and the act amendatory thereto, was taken up, and after some time spent in the consideration of the same, they were laid upon the table.

On motion of Mr. Almy, the bills entitled "A bill to organize the counties of Eaton and Ottawa," and the bill entitled "A bill to organize certain townships," were taken up, and on motion, ordered to be engrossed for a third reading.

The engrossed bills, entitled as above, were, on motion of Mr. Almy, read the third time and passed.

On motion of Mr. Lothrop.

Resolved, That a committee of three be appointed to inquire into and report to this house the proper order for the present le-

gislature to pursue, in closing their labors on the revised statutes. The Chair announced the following as said committee: Messrs. Lothrop, McGaffey and Kingsley.

On motion of Mr. Kellogg, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

The Chair announced a message from the Senate, in the words following:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title five of part first of the revision of the laws, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

Title five of part first of the revision of the laws, with the amendment made thereto by the Senate, was taken up for consideration, the question being upon concurring in the first, third, fourth, fifth, seventh, ninth, tenth, and eleventh amendments made by the Senate to said title, they were severally concurred in.

The question being upon concurring in the second amendment made by the Senate to said title, it was, on motion of Mr. Bingham, decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Brown,	Mr. Cornell,	Mr. McKeen,
Mr. Bingham,	Mr. Ferrington,	Mr. McCamly,
Mr. Burbank,	Mr. Gilbert,	Mr. Phillips,
Mr. Butler,	Mr. Heath,	Mr. Shellhouse,
Mr. Ballard,	Mr. King,	Mr. Yerkes,
Mr. Calkin,	Mr. Monfore,	

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NAYS.

Mr. Alden,	Mr. Kellogg,	Mr. Ralph,
Mr. Eldred,	Mr. Martin,	Mr. Job Smith,
Mr. Ely,	Mr. Purdy,	Mr. Speaker,
Mr. Farrington,		

10

The question being upon concurring in the sixth amendment of the Senate to said title, it was, on motion of Mr. Bingham, concurred in by yeas and nays, as follows :

YEAS.

Mr. Ballard,	Mr. Haskins,	Mr. Purdy,	
Mr. Calkin,	Mr. Kellogg,	Mr. Phillips,	
Mr. Ely,	Mr. King,	Mr. Shellhouse,	
Mr. Ferrington,	Mr. Lothrop,	Mr. Yerkes,	
Mr. Farrington,	Mr. Monfore,	Mr. Speaker,	
Mr. Howe,	Mr. McCamly,		17

NAYS.

Mr. Alden,	Mr. Cornell,	Mr. Martin,	
Mr. Brown,	Mr. Eldred,	Mr. McKeen,	
Mr. Bingham,	Mr. Gilbert,	Mr. Ralph,	
Mr. Burbank,	Mr. Herrington,	Mr. Job Smith,	
Mr. Butler,	Mr. Heath,	Mr. Shattuck,	15

The question being upon concurring in the eighth amendment made by the Senate to said title, it was, on motion of Mr. McKeen, non-concurred in, by yeas and nays, as follows :

YEAS.

Mr. Alden,	Mr. Haskins,	Mr. King,	
Mr. Brown,	Mr. Heath,	Mr. Phillips,	
Mr. Ferrington,			7

NAYS.

Mr. Bingham,	Mr. Gilbert,	Mr. McCamly,	
Mr. Burbank,	Mr. Herrington,	Mr. Purdy,	
Mr. Butler,	Mr. Howe,	Mr. Ralph,	
Mr. Ballard,	Mr. Kellogg,	Mr. Job Smith,	
Mr. Calkin,	Mr. Lothrop,	Mr. Shattuck,	
Mr. Eldred,	Mr. Martin,	Mr. Shellhouse,	
Mr. Ely,	Mr. Monfore,	Mr. Yerkes,	
Mr. Farrington,	Mr. McKeen,	Mr. Speaker,	24

Mr. Farrington moved to reconsider the vote taken upon the second amendment of the Senate, to said title.

Mr. Eldred moved to amend the motion by reconsidering the vote taken upon all the amendments made by the Senate to said title, which was agreed to.

On motion of Mr. Lothrop, said title was recommitted to the select committee on said title.

The Chair announced a message from the Senate in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title one of part fourth of the revision of the laws, and

am directed to inform the House of Representatives that the Senate have concurred in the report of the committee of conference on said title.

Title one of part fourth of the revision of the laws, with the report of the committee of conference, was taken up for consideration.

The question being upon agreeing to the report of the committee of conference on said title first, viz : that the House concur in the nineteenth amendment of the Senate ; second, to insert as section fifteen of chapter one hundred and forty-five, the following ; " If any person shall willfully blaspheme the holy name of God, by cursing or contumeliously reproaching God, he shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding fifty dollars," it was agreed to.

On motion of Mr. Lothrop, an addition of two was made to the select committee to which title five was referred. The Chair named Messrs. Eldred and Brown as said addition.

Mr. Alden, from the second committee of conference on title eight, reported to restore section eight and strike out section nine of said title.

On motion of Mr. Bingham, the House adjourned.

Tuesday, December 26.

The House met pursuant to adjournment.

The roll being called, the following members were absent, Messrs. Burke, Gilbert, McKeen, and Wisner.

The journal of yesterday being read,

The Chair announced a message from the Senate, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate have concurred in the report of the second committee of conference on title eight of part first of the revision of the laws.

The House took up the report of the second committee of conference upon title eight, part first of the revision of the laws, and on motion of Mr. Bingham the question on agreeing to the report

of said committee, was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Ely,	Mr. McCamly,
Mr. Brown,	Mr. Howe,	Mr. Phillips,
Mr. Burbank,	Mr. Haskins,	Mr. Ralph,
Mr. Ballard,	Mr. Heath,	Mr. Job Smith,
Mr. Calkin,	Mr. Kellogg,	Mr. Shattuck,
Mr. Cornell,	Mr. King,	Mr. Speaker,
Mr. Eldred,		

13

NAYS.

Mr. Bingham,	Mr. Field,	Mr. Martin,
Mr. Ferrington,	Mr. Herrington,	Mr. McGaffey,
Mr. Felch,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Farrington,		

10

Mr. Alden, from the select committee to which was referred the resolution for a new apportionment of senators and representatives, under the late census, reported a chapter to stand as chapter eleven of the revised statutes, which was read a first and second times, and laid upon the table.

Mr. McGaffey, from the select committee to which was committed title five of part first of the revision of the laws, with the amendments made thereto by the Senate, reported the same to the House with sundry amendments.

On motion of Mr. Ralph, the House took up for consideration title five of part first of the revision of the laws, with the amendments reported by the select committee.

Mr. Eldred moved to amend the amendment of the Senate by striking out section twelve of chapter twenty-six, and insert the following as a substitute :

"Sec. 12. For all lands sold for taxes within this state, it shall be the duty of the person authorized to sell the same, to sell the smallest quantity of land bid at said sales, which shall cover the amount of charges against said lots of land respectively from the south-east corner of said lots so offered for sale," which motion was decided in the affirmative.

The question being upon agreeing to the report of the select committee, viz : to amend the amendment of the Senate, which was to strike out the ninth clause of section four of chapter

twenty-one, by inserting the following to stand as the ninth clause, viz : " All improvements of the value of one hundred dollars, and buildings erected thereon of the value of one hundred dollars or under, on lands actually used and occupied for farming purposes, but should the improvements exceed in value one hundred dollars and the said buildings exceed the value of one hundred dollars, then and in such case, the excess over and above the said sums, shall be subject to assessment and taxation;" the question was, on motion of Mr. Lothrop, decided by yeas and nays in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. McCamly,	
Mr. Almy,	Mr. Field,	Mr. Purdy,	
Mr. Bingham,	Mr. Herrington,	Mr. Ralph,	
Mr. Butler,	Mr. Howe,	Mr. Job Smith,	
Mr. Cornell,	Mr. Haskins,	Mr. Shattuck,	
Mr. Eldred,	Mr. Kellogg,	Mr. Thayer,	
Mr. Ely,	Mr. Kingsley,	Mr. Speaker,	
Mr. Ferrington,	Mr. Martin,		23

NAYS.

Mr. Brown,	Mr. Heath,	Mr. McGaffey,	
Mr. Burbank,	Mr. King,	Mr. McKeen,	
Mr. Ballard,	Mr. Lothrop,	Mr. Mosely,	
Mr. Calkin,	Mr. Levake,	Mr. Shellhouse,	
Mr. Felch,	Mr. Monfore,		14

Mr. Lothrop moved to amend the amendment by striking out the words " for farming purposes," which, on his motion, was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Felch,	Mr. Martin,	
Mr. Almy,	Mr. Herrington,	Mr. McGaffey,	
Mr. Burbank,	Mr. Heath,	Mr. McKeen,	
Mr. Ballard,	Mr. Kellogg,	Mr. McCamly,	
Mr. Cornell,	Mr. King,	Mr. Ralph,	
Mr. Eldred,	Mr. Lothrop,	Mr. Job Smith,	
Mr. Ely,	Mr. Levake,	Mr. Shellhouse,	21

NAYS.

Mr. Brown,	Mr. Howe,	Mr. Phillips,	
Mr. Butler,	Mr. Kingsley,	Mr. Shattuck,	
Mr. Calkin,	Mr. Monfore,	Mr. Thayer,	
Mr. Farrington,	Mr. Mosely,	Mr. Yerkes,	
Mr. Field,	Mr. Purdy,	Mr. Speaker,	15

Mr. Ely moved a reconsideration of the last vote, and on his motion, it was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Mosely,
Mr. Almy,	Mr. Herrington,	Mr. Purdy,
Mr. Bingham,	Mr. Howe,	Mr. Ralph,
Mr. Butler,	Mr. Haskins,	Mr. Job Smith,
Mr. Calkin,	Mr. Kellogg,	Mr. Shattuck,
Mr. Cornell,	Mr. Kingsley,	Mr. Thayer,
Mr. Eldred,	Mr. Martin,	Mr. Yerkes,
Mr. Ferrington,	Mr. McCamly,	Mr. Speaker,
Mr. Felch,		

25

NAYS.

Mr. Brown,	Mr. Heath,	Mr. Levake,
Mr. Burbank,	Mr. King,	Mr. McKeen,
Mr. Ballard,	Mr. Lothrop,	Mr. Shellhouse,

9

The question recurring upon the adoption of Mr. Lothrop's amendment to the amendment of the committee, it was, on motion of Mr. Cornell, decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Almy,	Mr. Heath,	Mr. Levake,
Mr. Burbank,	Mr. King,	Mr. McKeen,
Mr. Ballard,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Felch,		

10

NAYS.

Mr. Alden,	Mr. Farrington,	Mr. Mosely,
Mr. Brown,	Mr. Herrington,	Mr. Purdy,
Mr. Bingham,	Mr. Howe,	Mr. Ralph,
Mr. Butler,	Mr. Haskins,	Mr. Job Smith,
Mr. Calkin,	Mr. Kellogg,	Mr. Shattuck,
Mr. Cornell,	Mr. Kingsley,	Mr. Thayer,
Mr. Eldred,	Mr. Martin,	Mr. Yerkes,
Mr. Ely,	Mr. Monfore,	Mr. Speaker,
Mr. Ferrington,	Mr. McCamly,	

26

Mr. McKeen moved to amend the amendment reported by the select committee, by inserting after the word "farming," the word "mechanical," which, on his motion, was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Felch,	Mr. McKeen,
Mr. Brown,	Mr. Herrington,	Mr. Mosely,
Mr. Bingham,	Mr. Heath,	Mr. Phillips,
Mr. Burbank,	Mr. King,	Mr. Job Smith,
Mr. Calkin,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Eldred,	Mr. Levake,	Mr. Speaker,
Mr. Ely,	Mr. Monfore,	

19

NAYS.

Mr. Butler,	Mr. Kellogg,	Mr. Purdy,
Mr. Cornell,	Mr. Kingsley,	Mr. Ralph,
Mr. Farrington,	Mr. Martin,	Mr. Shattuck,
Mr. Howe,	Mr. McCamly,	Mr. Yerkes,
Mr. Haskins,		

13

Mr. Lothrop moved further to amend the amendment reported by the select committee as amended, by inserting after the word "mechanical," the word "manufacturing," and on his motion it was decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Almy,	Mr. Felch,	Mr. McKeen,
Mr. Brown,	Mr. Heath,	Mr. Mosely,
Mr. Burbank,	Mr. Lothrop,	Mr. Phillips,

8

NAYS.

Mr. Alden,	Mr. Farrington,	Mr. McCamly,
Mr. Bingham,	Mr. Herrington,	Mr. Purdy,
Mr. Butler,	Mr. Howe,	Mr. Ralph,
Mr. Calkin,	Mr. Haskins,	Mr. Job Smith,
Mr. Cornell,	Mr. Kellogg,	Mr. Shattuck,
Mr. Eldred,	Mr. Kingsley,	Mr. Yerkes,
Mr. Ely,	Mr. Martin,	Mr. Speaker,
Mr. Ferrington,	Mr. Monfore,	

23

Mr. Bingham moved a reconsideration of the vote taken on the adoption of Mr. McKeen's amendment, which, on his motion, was decided by yeas and nays, in the affirmative, as follows ;

YEAS.

Mr. Bingham,	Mr. Herrington,	Mr. Purdy,
Mr. Butler,	Mr. Howe,	Mr. Ralph,
Mr. Cornell,	Mr. Haskins,	Mr. Shattuck,
Mr. Eldred,	Mr. Kellogg,	Mr. Thayer,
Mr. Ely,	Mr. Kingsley,	Mr. Yerkes,
Mr. Farrington,	Mr. Martin,	Mr. Speaker,
Mr. Farrington,	Mr. McCamly,	

20

NAYS.

Mr. Almy,	Mr. King,	Mr. McKeen,
Mr. Brown,	Mr. Lothrop,	Mr. Mosely,
Mr. Burbank,	Mr. Levake,	Mr. Job Smith,
Mr. Calkin,	Mr. Monfore,	Mr. Shellhouse,
Mr. Heath,	Mr. McGaffey,	

14

The question recurring on the adoption of the amendment to the amendment offered by Mr. McKeen, he withdrew his motion, and Mr. Lothrop moved to amend the amendment by striking out all of said amendment to the word "but," and inserting the following in lieu thereof :

" All improvements on lands, used and occupied for farming purposes, to the amount of one hundred dollars and under, and all buildings of the value of one hundred dollars used for farming, mechanical, or manufacturing purposes."

And on motion of Mr. Lothrop, the question was decided by yeas and nays, as follows :

YEAS.

Mr. Almy,	Mr. Felch,	Mr. Monfore,
Mr. Brown,	Mr. Heath,	Mr. McGaffey,
Mr. Burbank,	Mr. King,	Mr. McKeen,
Mr. Ballard,	Mr. Lothrop,	Mr. Phillips,
Mr. Calkin,	Mr. Levake,	Mr. Shellhouse,

15

NAYS.

Mr. Bingham,	Mr. Herrington,	Mr. Mosely,
Mr. Butler,	Mr. Howe,	Mr. Purdy,
Mr. Cornell,	Mr. Haskins,	Mr. Ralph,
Mr. Eldred,	Mr. Kellogg,	Mr. Job Smith,
Mr. Ely,	Mr. Kingsley,	Mr. Shattuck,
Mr. Ferrington,	Mr. Martin,	Mr. Yerkes,
Mr. Farrington,	Mr. McCamly,	Mr. Speaker,

21

The question then recurring upon agreeing to the amendment reported by the select committee, it was, on motion of Mr. Lothrop, agreed to, by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Butler,	Mr. Ferrington,	Mr. Haskins,
Mr. Cornell,	Mr. Farrington,	Mr. Kellogg,
Mr. Eldred,	Mr. Herrington,	Mr. Kingsley,
Mr. Ely,	Mr. Howe,	Mr. Martin,

Mr. McCamly,
Mr. Purdy,
Mr. Ralph,

Mr. Job Smith,
Mr. Shattuck,

Mr. Thayer,
Mr. Speaker,

19.

NAYS.

Mr. Brown,
Mr. Burbank,
Mr. Ballard,
Mr. Calkin,
Mr. Felch,

Mr. Heath,
Mr. King,
Mr. Lothrop,
Mr. Levake,
Mr. Monfore,

Mr. McGaffey,
Mr. McKeen,
Mr. Mosely,
Mr. Shellhouse,
Mr. Yerkes,

15.

On motion of Mr. Farrington, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

The Chair announced a message from the Senate through their secretary, in the words following :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a resolution relative to certain portions of the revision of the laws, which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully requested.

The question being upon the adoption of the resolution, which is in the words following :

Resolved by the Senate and House of Representatives, That the reviser be and he is hereby requested, to furnish the legislature with a manuscript copy of such portion of the revised code as cannot be obtained in print, for the immediate action of the legislature ; the question was decided in the affirmative.

On motion of Mr. Farrington, the unfinished business of the morning was taken up, viz : the consideration of title five of part first of the revision of the laws, with the amendments made thereto by the Senate, and the amendments reported by the select committee to which the same was referred.

The question being upon concurring in the amendment made by the Senate to said title, viz : to add to section thirteen of chapter twenty-two, viz : "when any farm lies in one or more townships, the farm shall be taxed in the township where the mansion-house shall be, and in no other," it was, on motion of Mr. Purdy, non-concurred in, by yeas and nays, as follows :

YEAS.

Mr. Alden,
Mr. Calkin,

Mr. Lothrop,
Mr. McCamly,

Mr. Shellhouse,
Mr. Yerkes,

Mr. Ferrington,
Mr. King,

Mr. Phillips,

Mr. Speaker,

19

NAYS.

Mr. Almy,
Mr. Brown,
Mr. Bingham,
Mr. Burbank,
Mr. Butler,
Mr. Ballard,
Mr. Burke,
Mr. Cornell,
Mr. Eldred,
Mr. Ely,

Mr. Felch,
Mr. Farrington,
Mr. Field,
Mr. Foote,
Mr. Gilbert,
Mr. Herrington,
Mr. Howe,
Mr. Haskins,
Mr. Heath,

Mr. Kellogg,
Mr. Kingsley,
Mr. Munger,
Mr. Martin,
Mr. McGaffey,
Mr. McKeen,
Mr. Ralph,
Mr. Job Smith,
Mr. Shattuck,

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The question being upon concurring in the amendment of the Senate to said title, viz : in section four, line four, by striking out the words "selling ardent spirits," it was, on motion of Mr. McKeen, non-concurred in, by yeas and nays, as follows :

YEAS.

Mr. Cornell,
Mr. Eldred,
Mr. Felch,
Mr. Farrington,
Mr. Field,

Mr. Herrington,
Mr. Haskins,
Mr. King,
Mr. Lothrop,
Mr. Munger,

Mr. Martin,
Mr. Ralph,
Mr. Shellhouse,
Mr. Speaker,

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NAYS.

Mr. Alden,
Mr. Almy,
Mr. Brown,
Mr. Bingham,
Mr. Burbank,
Mr. Butler,

Mr. Ballard,
Mr. Ferrington,
Mr. Foote,
Mr. Gilbert,
Mr. McGaffey,

Mr. McKeen,
Mr. McCamly,
Mr. Purdy,
Mr. Shattuck,
Mr. Thayer,

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The question being upon concurring in the amendment of the Senate to said title, viz : in section two of chapter twenty-two, to insert after the words "cash value," the words "provided that no lands shall be assessed at less than two dollars per acre," Mr. McGaffey moved to amend the amendment, by inserting after the word "dollars," the words "and a half," which was decided in the affirmative; the amendment as amended was then concurred in.

The question being upon concurring in the amendment of the Senate, viz : to add to section three of chapter twenty-one, the following proviso :

" Provided that the stock of all moneyed corporations shall be assessed to such corporation in the township or city in which the same is situated."

The select committee to which said title was referred, proposed to amend by adding the following: " except what is owned by residents of the county, which shall be assessed to the owners where they reside."

The question being upon agreeing to the amendment reported by the select committee, it was agreed to, and the amendment as amended was concurred in.

The question being upon agreeing to the amendment of the Senate, viz: to insert after the word " merchant," in line three, section four, chapter twenty-eight, the words " in the cities of Detroit and Monroe, and all other incorporated cities and villages, except the village of New Buffalo," it was, on motion, amended by striking out the words " except the village of New Buffalo," and the amendment as amended was then concurred in.

The question being upon concurring in the amendment of the Senate, viz: to add to line five of section four of said chapter, as follows: " Each other merchant or trader not selling ardent spirits, the sum of ten dollars."

On motion of Mr. Alden, the amendment was amended by striking out the word " other."

On motion of Mr. Burbank, the amendment was further amended by striking out the word " ten," and inserting " seven" in lieu thereof, and the amendment as amended was then concurred in.

The question being upon concurring in the amendment of the Senate, viz: to strike out in line twenty-two, section four of said chapter, the word " fifty," and insert " twenty-five," it was non-concurred in.

The question being upon concurring in the other amendments made by the Senate to said title, they were severally concurred in.

On motion of Mr. Lothrop, the House took up for a third reading, chapters one hundred and fourteen, one hundred and twenty-two, one hundred and five, ninety-seven, one hundred and seventeen, one hundred and eight, one hundred and twenty-three, one hundred, one hundred and one, one hundred and sixteen, one

hundred and two, and ninety-six of part third of the revision of the laws.

On motion of Mr. Lothrop, the blank in the first section of chapter ninety-six was filled with the words "fifteen hundred;" and on his motion, said chapters were ordered to be engrossed for a third reading.

The engrossed chapters as above, were, on motion of Mr. Lothrop, taken up, read the third time and passed.

On motion of Mr. McGaffey, chapter one hundred and three of part third was taken up, read a first and second times, and considered as in committee of the whole; and on his motion, the twenty-second rule was suspended, and said chapter was ordered to be engrossed for a third reading.

The engrossed chapter, chapter one hundred and three, was, on motion of Mr. Lothrop, taken up, and read the third time and passed.

On motion, the House adjourned.

Wednesday, December 27.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Calkin, Howe, Martin, McKeen, Thayer, and Wisner.

The journal of yesterday being read,

Mr. Felch, from the committee on enrolment, reported as correctly enrolled, "An act for the relief of John Goodrich," and an act to amend an act entitled "An act suspending for a limited time certain provisions of law, and for other purposes."

A message was received from the Senate through their secretary, in the words following:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill entitled "A bill to organize certain townships," in which the Senate have concurred without amendment.

The Chair announced the following communication from the reviser of the laws:

To the Honorable the House of Representatives:

The undersigned herewith respectfully submits chapter ninety-nine of the revised code, reported heretofore by him, and recom-

mitted by a resolution of your honorable body with instructions to make the same conform to the joint resolution of both houses respecting imprisonment for debt, having made amendments thereto in accordance with such resolution and instructions: and he herewith also submits chapter one hundred and eleven of the second title of the third part; also, chapter one hundred and twelve of the third title of the third part.

All which is respectfully submitted.

WM. A. FLETCHER.

December 27, 1837.

On motion of Mr. Ralph, the House took up for consideration chapter ninety-nine of the revised code, as reported by the reviser, in conformity with certain instructions.

Said chapter having been read, was, on motion of Mr. McGaffey, referred to a select committee of five.

The Chair announced the following as said committee, viz: Messrs. McGaffey, Kingsley, Eldred, Monfore, and Phillips.

On motion of Mr. McGaffey, chapters ninety-five and ninety-seven of part third of the revision of the laws were taken up for consideration.

On motion of Mr. Alden, the first blank in section thirteen of chapter ninety-five was filled with the words "sixteen hundred."

On motion of Mr. Ballard, the second blank in said section was filled with the words "fifteen hundred."

Said chapters were thereupon ordered to be engrossed for a third reading.

The engrossed chapters, chapters ninety-five and ninety-seven were then read the third time and passed.

On motion of Mr. Alden, chapter one hundred and seven of part third of the revision of the laws was taken up, read a first and second times, and considered as in committee of the whole.

Mr. Field moved to amend section two of said chapter by striking out in line four the word "except," which motion was decided in the negative.

On motion of Mr. Purdy, said section was amended by striking out in line twelve, the word "five."

Mr. Lothrop moved to amend section three of said chapter by

striking out in line seven the word "ninety," and inserting the word "fifty."

Mr. Ralph moved to amend the amendment by striking out all after the word "township, in line six, to the word "computing," in line seven, which was agreed to.

On motion of Mr. Lothrop, the twenty-second rule was suspended, and said chapter was ordered to be engrossed for a third reading.

The engrossed chapter, chapter one hundred and seven, was then read the third time and passed.

The Chair announced a message from the Senate, through their secretary, in the words following:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title eleven of part first of the revision of the laws, with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested. I am also directed to inform the House of Representatives that Messrs. Summers, Barry and McKey, have been appointed a committee of conference on the disagreement between the two houses on title five of part first of the revision of the laws, and that the Senate respectfully request the appointment of a like committee on the part of the House of Representatives.

Title eleven of part first of the revision of the laws, with an amendment made thereto by the Senate, was taken up for consideration, and the amendment concurred in.

Mr. Lothrop moved that a committee of conference be appointed on the part of the House upon the disagreement between the two houses on title five of part first of the revision of the laws, which was decided in the affirmative.

The Chair announced the following as said committee, viz: Messrs. Purdy, Eldred and Burbank.

On motion of Mr. Ralph, chapter one hundred and six was taken up, read a first and second times and considered as in committee of the whole.

On motion of Mr. Burbank, section three was amended by striking out in line three the words "and returning from."

On motion of Mr. Field, section two was amended by striking out in line two the word "disinterested," and inserting the word "other."

Mr. Butler moved to amend section ten, by striking out all after the word "quakers," in line three, which was decided in the negative.

The twenty-second rule being suspended, said chapter was ordered to be engrossed for a third reading.

The engrossed chapter, chapter one hundred and six of part third was read the third time and passed.

On motion of Mr. Lothrop, chapters one hundred and eleven, and one hundred and twelve were taken up, read the first and second times, and considered as in committee of the whole.

On motion of Mr. Alden, section four of chapter one hundred and eleven was amended by striking out in lines six and seven, the words "in the ninety", and inserting the words "by law."

The twenty-second rule being suspended, said chapters were ordered to be engrossed for a third reading.

The engrossed chapters, chapters one hundred and eleven and one hundred and twelve, were then read the third time and passed.

On motion, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

Mr. McGaffey, from the select committee to which chapter ninety-nine of part third of the revision of the laws was referred, reported the same to the House with sundry amendments.

The question being upon agreeing to the amendment reported by the select committee to said chapter, viz: to insert after section thirteen, to stand as section fourteen, the following, to wit:

"Sec. 14. The pendency of a suit commenced by summons, shall not be a bar to a subsequent suit commenced by warrant, between the same parties, if it appear on the trial of such subsequent suit, the plaintiff hath just cause of action, and is in danger of losing his demand, or that the defendant is about to abscond from the county."

It was, on motion, decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Alden,	Mr. Farrington,	Mr. Monfore,	
Mr. Brown,	Mr. Foote,	Mr. Purdy,	
Mr. Burke,	Mr. Gilbert,	Mr. Phillips,	
Mr. Eldred,	Mr. Herrington,	Mr. Shattuck,	12

NAYS.

Mr. Almy,	Mr. Haskins,	Mr. Ralph,	
Mr. Bingham,	Mr. Heath,	Mr. Job Smith,	
Mr. Cornell,	Mr. Kellogg,	Mr. Shellhouse,	
Mr. Felch,	Mr. Kingsley,	Mr. Yerkes,	
Mr. Ferrington,	Mr. Lothrop,	Mr. Speaker,	
Mr. Howe,	Mr. McGaffey,		17

The question being upon agreeing to the amendment reported by the select committee, viz. to insert the following to stand as section sixteen :

"Sec. 16. Whenever a judgment shall be rendered by a justice of the peace against any party, unless herein otherwise provided, it shall be with costs of the suit ; but the whole amount of all the items of such costs, except the charges for the attendance of witnesses from another county, shall not, in any case, exceed the sum of ten dollars."

It was, on motion of Mr. Monfore, decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Ballard,	Mr. Foote,	Mr. Monfore,	
Mr. Calkin,	Mr. Gilbert,	Mr. Phillips,	
Mr. Eldred,	Mr. Haskins,	Mr. Yerkes,	
Mr. Ferrington,			10

NAYS.

Mr. Alden,	Mr. Herrington,	Mr. McKeen,	
Mr. Almy,	Mr. Howe,	Mr. McCamly,	
Mr. Brown,	Mr. Heath,	Mr. Purdy,	
Mr. Bingham,	Mr. Kellogg,	Mr. Ralph,	
Mr. Burke,	Mr. Kingsley,	Mr. Job Smith,	
Mr. Cornell,	Mr. King,	Mr. Shattuck,	
Mr. Felch,	Mr. Lothrop,	Mr. Shellhouse,	
Mr. Farrington,	Mr. McGaffey,	Mr. Speaker,	
Mr. Field,			25

The question being upon agreeing to the amendment reported by the select committee to said chapter, viz. to substitute the following to stand as section fifty-three :

"Sec. 53. After issue is joined and before the justice shall proceed to an investigation of the merits of the cause, by an examination of a witness, or the hearing of any testimony of either of the parties, or the attorney of either of them, shall make affidavits that the justice before whom such cause is pending is a material witness, without whose testimony he cannot safely proceed to trial, said justice shall transfer said suit, and all the papers appertaining to the same, to some other justice of the county, who may thereupon proceed to hear, try, and determine the same in the same manner as if the suit had been originally commenced before him."

It was agreed to.

Mr. Lothrop moved a reconsideration of the vote taken upon the last amendment of the select committee, which was negatived.

On motion of Mr. Felch, section fifty-three, as amended, was further amended, by inserting previous to the word "issue," in line one, the words "if before or at the time;" also by striking out the words "either of the parties," and inserting the word "defendant."

The twenty-second rule being suspended, said chapter was ordered to be engrossed for a third reading.

The engrossed chapter, chapter ninety-nine, was then read a third time and passed.

On motion, it was agreed that all that part of the twenty-second rule after the word "passed," in the second line, be suspended for the remainder of the session.

On motion, chapter one hundred and eight of part third of the revision of the laws was taken up, read a first and second times, and considered as in committee of the whole, and read the third time and passed.

On motion of Mr. Lothrop, the House adjourned.

Thursday, December 28.

The House met pursuant to adjournment.

The roll being called, the following members were absent, Messrs. Brown, Martin and Wisner.

The journal of yesterday having been read,

Mr. Farrington, from the committee on claims, to which was referred the petition of D. Pittman, reported a bill for his relief, which was read a first and second times and laid upon the table.

Mr. Alden, from the committee on enrolment, reported as correctly enrolled, title five of the revision of the laws.

Mr. McGaffey, from the committee on enrolment, reported as correctly enrolled title three of the revision of the laws.

Mr. Lothrop asked and obtained leave of absence for Mr. Heath for the remainder of the session.

On motion of Mr. Ely,

Resolved, That a committee be appointed to inquire into the causes that have produced the unequal taxation of the respective counties in this state, for the support of the government thereof, and that they report to this House a statement of facts.

Mr. Bingham offered the following joint resolution :

Resolved, (if the Senate concur herein,) That the tenth joint rule be suspended for the remainder of the session ; on motion of Mr. Bingham, the sixteenth rule was suspended, and said resolution was adopted.

The Chair announced a message from the Senate, in the words following :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return chapters ninety-six, ninety-seven, ninety-eight and one hundred, and chapters one hundred and six, one hundred and fourteen and one hundred and seventeen, with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested ; and am also directed to inform the House of Representatives, that the Senate have concurred in chapters ninety-five, one hundred and one, one hundred and two, one hundred and three, one hundred and five, one hundred and eight, one hundred and sixteen, one hundred and twenty-two, and one hundred and twenty-three, without amendment.

The House took up chapters ninety-six, ninety-seven, ninety-eight, one hundred, one hundred and fourteen, one hundred and sixteen, and one hundred and seventeen, with the amendments made thereto by the Senate.

The question being upon concurring in the amendment made by the Senate to chapter ninety-six, viz : to add to section thirty-five, as follows : " and upon all questions arising at any of the terms of the several circuits when agreement of counsel may be desired or intended by the parties, or may be required by the court, the Chancellor may order such argument at any of said terms, under such rules as he may prescribe."

On motion of Mr. Wing, the amendment was amended by inserting before the word " order" the words " with the assent of the counsel in the cause ;" the amendment as amended was concurred in.

The question being upon concurring in the amendment made by the Senate to chapter ninety-eight, viz : to fill the blank in section thirty-eight, with the words " first Monday in each month," it was concurred in.

The question being upon concurring in the amendments made by the Senate to chapter ninety-seven, they were severally concurred in.

The question being upon concurring in the amendments made by the Senate to chapter one hundred, viz : to strike out in section one, line one, the word " three," and insert " four," and in section five, line one, to insert before " clerk," where it first occurs, the word " county ;" they were concurred in.

The question being upon concurring in the amendment made by the Senate to said chapter one hundred, viz : to fill the blank in section thirty-three, with the word " three,"

Mr. Cornell moved to amend the amendment by striking out " three," and inserting " six," in lieu thereof, and on motion of Mr. Bingham, the question was decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Alden,
Mr. Almy,
Mr. Butler,
Mr. Ballard,
Mr. Burke,
Mr. Cornell,
Mr. Ely,
Mr. Farrington,

Mr. Felch,
Mr. Field,
Mr. Foote,
Mr. Howe,
Mr. Kingsley,
Mr. King,
Mr. Lothrop,
Mr. Levake,

Mr. McGaffey,
Mr. McCamly,
Mr. Phillips,
Mr. Ralph,
Mr. Shellhouse,
Mr. Thayer,
Mr. Speaker,

NAYS.

Mr. Bingham,	Mr. Herrington,	Mr. Job Smith,
Mr. Calkin,	Mr. Haskins,	Mr. Shattuck,
Mr. Ferrington,	Mr. Munger,	Mr. Yerkes,
Mr. Gilbert,	Mr. Monfore,	

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The amendment as amended was then concurred in.

The question being upon concurring in the amendment made by the Senate to chapter one hundred and fourteen, viz : in section nine, line one, to strike out seventy-second chapter, and insert second chapter of title one of part second, it was concurred in.

The question being upon concurring in the amendment made by the Senate, to chapter one hundred and seventeen, viz : to strike out in section ten, line four, the word "three" and insert "ten," it was non-concurred in.

The question being upon concurring in the amendment made by the Senate to chapter one hundred and six, viz : to insert after section eleven, as follows :

"Sec. 12. No person shall be disqualified from giving evidence under affirmation, on account of his opinions respecting the subject of religion," it was, on motion of Mr. Kingsley, non-concurred in, by yeas and nays, as follows :

YEAS.

Mr. Brown,	Mr. Haskins,	Mr. McCamly,
Mr. Bingham,	Mr. Levake,	Mr. Ralph,
Mr. Butler,	Mr. Munger,	Mr. Shattuck,
Mr. Burke,	Mr. Monfore,	Mr. Shellhouse,
Mr. Calkin,	Mr. McKeen,	Mr. Thayer,
Mr. Howe,		

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NAYS.

Mr. Almy,	Mr. Felch,	Mr. Kingsley,
Mr. Alden,	Mr. Farrington,	Mr. King,
Mr. Burbank,	Mr. Field,	Mr. McGaffey,
Mr. Ballard,	Mr. Foote,	Mr. Purdy,
Mr. Cornell,	Mr. Gilbert,	Mr. Wing,
Mr. Eldred,	Mr. Herrington,	Mr. Yerkes,
Mr. Ely,	Mr. Kellogg,	Mr. Speaker,
Mr. Ferrington,		

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On motion of Mr. Alden, the House took up chapters one hundred and thirteen, one hundred and fifteen, and one hundred and nineteen of part third of the revision of the laws, which were read

a first and second times, and considered as in committee of the whole.

The rule having been heretofore suspended, said chapters were read a third time and passed.

The following messages were received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return chapters one hundred and eleven and one hundred and twelve of part third of the revision of the laws, in which the Senate have concurred without amendment.

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return title five of part first of the revision of the laws, and am instructed to inform the House of Representatives, that the Senate have concurred in the report of the committee of conference on the disagreements between the two houses on said title.

The House took up title five of part first of the revision of the laws, with the report of the committee of conference upon the disagreement between the two houses upon said title, and the report of said committee was agreed to.

The following message was received from the Executive, through Mr. Jackson, his private secretary :

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State the following acts, viz : “ An act authorizing the township boards of school inspectors, who have failed to make their report to the county clerks of their respective counties, as required by the act entitled ‘ An act to provide for the organization and support of primary schools,’ to make said report on or before the first Monday of April next ;” “ An act to authorize the sheriff or other officers of the county of Lenawee to use the jail built by the supervisors of said county in the village of Adrian ;” “ An act to amend an act entitled ‘ An act suspending for a limited time certain provisions of law, and for other purposes ;’” “ An act for the destruction of wolves ;” “ An act for the relief of John Goodrich ;” “ An act to provide for the safe keeping and manage-

ment of the state library;" and "A resolution to authorize the Treasurer of the state to loan a certain sum of money."

STEVENS T. MASON.

Detroit, Dec. 28, 1837.

On motion of Mr. Ralph, the House adjourned:

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll being called,

On motion, chapter one hundred and twenty-two of part third of the revision of the laws, was taken up, read a first and second times, and considered as in committee of the whole.

On motion of Mr. Lothrop, said chapter was ordered to be engrossed for a third reading.

Said engrossed chapter, chapter one hundred and twenty-two, was then read a third time and passed.

On motion of Mr. Alden, chapter one hundred and eighteen of part third of the revision of the laws, was taken up, read a first and second times and considered as in committee of the whole.

On motion, said chapter was ordered to be engrossed for a third reading.

Said engrossed chapter, chapter one hundred and eighteen, was then read a third time and passed.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate have concurred in the amendments made by the House to the amendments made by the Senate, to chapters ninety-six and one hundred, and have receded from their amendment to chapter one hundred and seventeen, which had been non-concurred in by the House, and the Senate insist on their amendment to chapter one hundred and six. I am also directed to inform the House of Representatives that the Senate have concurred in chapters one hundred and eight, one hundred and thirteen, one hundred and fifteen, and one hundred and nineteen, without amendment. I also herewith return the bill entitled "A bill to organize the counties of Eaton and Ottawa," with sundry amendments, in which the concurrence of the House of Representatives is respectfully requested.

Chapter one hundred and six, with the amendments insisted upon by the Senate, were taken up for consideration.

Mr. McKeen moved that the House concur in the amendment of the Senate, which is as follows, to insert as section twelve:

"Sec. 12. No person shall be disqualified from giving evidence under affirmation on account of his opinion respecting the subject of religion," which question was, on motion of Mr. Bingham, decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Almy,	Mr. Lothrop,	Mr. Phillips,
Mr. Brown,	Mr. Levake,	Mr. Ralph,
Mr. Bingham,	Mr. Munger,	Mr. Job Smith,
Mr. Burke,	Mr. McKeen,	Mr. Shattuck,
Mr. Calkin,	Mr. McCamly,	Mr. Shellhouse,
Mr. Howe,	Mr. Mosely,	Mr. Thayer,
Mr. Haskins,		

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NAYS.

Mr. Alden,	Mr. Farrington,	Mr. King,
Mr. Burbank,	Mr. Foote,	Mr. McGaffey,
Mr. Cornell,	Mr. Gilbert,	Mr. Purdy,
Mr. Eldred,	Mr. Herrington,	Mr. Wing,
Mr. Ely,	Mr. Kellogg,	Mr. Yerkes,
Mr. Ferrington,	Mr. Kingsley,	Mr. Speaker,
Mr. Felch,		

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On motion of Mr. Mosely, a committee of conference was appointed on the part of the House upon the disagreement between the two houses upon chapter one hundred and six of part third of the revision of the laws.

The Chair announced the following as said committee: Messrs. Bingham, Burbank, and Wing.

The House took up for consideration the bill entitled "A bill to organize the counties of Eaton and Ottawa," with the amendments made thereto by the Senate, and on motion of Mr. Lothrop, the amendments were severally concurred in.

Mr. Lothrop offered the following joint resolution, which by the rules lays on the table one day.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Treasurer of the state be directed to retain from the salary of the Hon. George Morell, the sum of three hundred and one dollars and three cents, that being the sum that

the said Morell drew from the treasury for his salary as an associate justice of the supreme court, before he had qualified into said office.

Resolved, That this resolution be sent to the Senate for its concurrence.

Mr. Felch presented the claims of the witnesses, counsel, clerk, and sergeant-at-arms, for attendance and services before the committee to investigate the official conduct of George Morell, which, on motion of Mr. Felch, were referred to the committee on claims.

The Chair announced the following committee in pursuance of the resolution adopted this morning, introduced by Mr. Ely, relative to taxes : Messrs. Ely, Job Smith and Shattuck.

On motion of Mr. Purdy, the House adjourned.

Friday, December 29.

The House met pursuant to adjournment.

The roll being called, the following members were absent ; on leave granted, Messrs. Heath and Case.

The journal of yesterday having been read,

Mr. Felch, from the committee on enrolment, reported as correctly enrolled title seven of part third and chapter ninety-seven, of the revision of the laws.

Mr. McGaffey, from the same committee, reported as correctly enrolled title one of part second of the revision of the laws.

On motion of Mr. Lothrop, the House took up the joint resolution laid upon the table yesterday, in the words following, which was read the first and second times, and considered as in committee of the whole.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Treasurer of the state be directed to retain from the salary of the Hon. George Morell, the sum of three hundred and one dollars and three cents, being the sum the said Morell drew from the treasury for his salary as an associate justice of the supreme court before he had qualified for said office or entered upon the duties thereof.

Mr. Eldred moved to amend the resolution by inserting the following to stand as an additional resolution :

Resolved, That the Treasurer of the state deduct from the pay of all officers of the state, such an amount as shall have been paid from the date of their commissions, to the time they were sworn into office, and also what officers have received pay while absent from their respective duties.

The question upon the amendment was decided in the negative.

The question upon the adoption of the original resolution, was thereupon, on motion of Mr. Lothrop, decided by yeas and nays, in the affirmative, as follows :

YEAS.

Mr. Almy,	Mr. Gilbert,	Mr. McCamly,
Mr. Brown,	Mr. Herrington,	Mr. Mosely,
Mr. Ballard,	Mr. Howe,	Mr. Purdy,
Mr. Burke,	Mr. Haskins,	Mr. Phillips,
Mr. Calkin,	Mr. Kellogg,	Mr. Shattuck,
Mr. Ferrington,	Mr. Lothrop,	Mr. Shellhouse,
Mr. Farrington,	Mr. Monfore,	Mr. Yerkes,
Mr. Field,	Mr. McGaffey,	Mr. Speaker,
Mr. Foote,	Mr. McKeen,	

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NAYS.

Mr. Eldred,	Mr. Job Smith,	Mr. Thayer,
Mr. King,		

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The following message was received from the Senate through their secretary :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return chapter ninety-nine of the revision of the laws, with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

The House took up chapter ninety-nine, with the amendment made thereto by the Senate, and on motion of Mr. Lothrop, the amendment was concurred in.

Mr. McKeen asked and obtained leave to have a certain resolution, adopted by the grand jury of the county of Lapeer, on the 20th October, 1837, published, with the journal of the proceedings of the select committee appointed to investigate the official conduct of George Morell, circuit judge of the first circuit.

Chapters one hundred and seventeen, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-seven, and one hundred and twenty-eight

of the revision of the laws, were taken up, read the first and second times and considered as in committee of the whole.

On motion of Mr. Eldred, chapter one hundred and twenty-seven was referred to a select committee of three. The Chair announced the following, as said committee : Messrs. Eldred, Foote and Field.

On motion of Mr. Wing, chapters one hundred and seventeen, one hundred and twenty-three, one hundred and twenty five, and one hundred and twenty-eight, were ordered to be engrossed for a third reading.

The engrossed chapters, chapters one hundred and seventeen, one hundred and twenty-three, one hundred and twenty-five, and one hundred and twenty-eight, were then read a third time and passed.

On motion of Mr. McGaffey, chapter one hundred and twenty-four was referred to a select committee of three. The Chair announced the following as said committee : Messrs. McGaffey, Calkin and Purdy.

The following messages were received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that Messrs. Barry, Rumsey, and Kercheval, have been appointed a committee of conference on the part of the Senate, on the disagreement between the two houses on chapter one hundred and six. I am also directed to inform the House that the Senate have concurred in chapters one hundred and eighteen and one hundred and twenty-two, without amendment.

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate have concurred in the report of the committee of conference on the disagreement between the two houses on chapter one hundred and six.

The House took up chapter one hundred and six, with the report of the committee of conference upon the disagreement of the two houses upon said chapter.

On motion of Mr. Wing, said chapter and report was laid upon the table.

On motion of Mr. Kellogg, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Lothrop, from the committee of enrolment, reported 'as correctly enrolled an act entitled "An act to organize the counties of Eaton and Ottawa."

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations,'" with sundry amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

The House took up for consideration the bill entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations,'" with the amendments made thereto by the Senate, and the amendments were severally concurred in, except the amendment to section twenty-seven, which is to strike out all after "or" in line sixteen, and insert "if the same shall not be paid within thirty days next after the day on which the demand was made, and ten per cent cost and damages thereon, such association or bank shall be dissolved."

On motion of Mr. McKeen, the amendment to section twenty-seven was amended by striking out "thirty," and inserting "sixty," in lieu thereof. Also the following amendment made by the Senate, which is to add to the last section of the bill, "Sec. This act shall take effect and be in force from and after the tenth day of January next."

On motion of Mr. Wing, the amendment was amended by striking out "tenth" and inserting "first," in lieu thereof. Also, except the amendment made by the Senate to section thirty-eight; which is to strike out the section and insert the following to stand as section thirty-eight :

"Sec. 38. The thirty-eighth section of the act to which this is amendatory be and the same is hereby repealed;" which last amendment was not acted upon; whereupon, on motion of Mr. Alden, said bill and amendments were committed to the select committee to which said bill was heretofore committed.

Mr. Eldred, from the select committee to which chapter one

hundred and twenty-seven was this morning referred, reported the same to the house with sundry amendments, which were severally agreed to, except the first, viz: to insert in line fourth, section two, after the word "his," the words "or her," which was negatived.

Said chapter was then, on motion of Mr. Eldred, ordered to be engrossed for a third reading.

The engrossed chapter, chapter one hundred and twenty-seven, was read a third time and passed.

The following message was received from the executive through Mr. Jackson, his private secretary:

To the House of Representatives:

I have this day approved and filed in the office of the secretary of state "An act to organize the counties of Eaton and Ottawa."

STEVENS T. MASON.

December, 29, 1837.

On motion of Mr. Wing, chapter one hundred and six, with the report of the committee of conference on the disagreement of the two houses upon said chapter, was taken up for consideration.

The question being upon agreeing to the report of the committee of conference on said chapter, viz: to add to section twelve as proposed to be amended by the Senate, which is as follows: "Sec. 12. No person shall be disqualified from giving evidence under affirmation on account of his opinion respecting the subject of religion," the following proviso, to wit: "Provided, That the opinions of such witness, may be given in evidence to his credibility, and that such witness may be questioned in relation to such opinions."

Mr. Purdy moved to lay the chapter and report upon the table, and on his motion the question was decided by yeas and nays, in the negative, as follows:

YEAS.

Mr. Alden,	Mr. Ferrington,	Mr. Herrington,	
Mr. Brown,	Mr. Felch,	Mr. Kingsley,	
Mr. Burbank,	Mr. Farrington,	Mr. Purdy,	
Mr. Ballard,	Mr. Field,	Mr. Yerkes,	
Mr. Burke,	Mr. Foote,	Mr. Speaker,	17
Mr. Eldred,	Mr. Gilbert,		

NAYS.

Mr. Bingham,	Mr. Levake,	Mr. Phillips,
Mr. Calkin,	Mr. Munger,	Mr. Job Smith,
Mr. Howe,	Mr. Monfore,	Mr. Shattuck,
Mr. Haskins,	Mr. McGaffey,	Mr. Shellhouse,
Mr. King,	Mr. McKeen,	Mr. Thayer,
Mr. Lothrop,	Mr. McCamly,	Mr. Wing,

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The question upon agreeing to the report, was, on motion of Mr. Bingham, decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Almy,	Mr. Levake,	Mr. McKeen,
Mr. Bingham,	Mr. Howe,	Mr. Job Smith,
Mr. Calkin,	Mr. Munger,	Mr. Shattuck,

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NAYS.

Mr. Alden,	Mr. Foote,	Mr. McCamly,
Mr. Brown,	Mr. Gilbert,	Mr. Purdy,
Mr. Burbank,	Mr. Herrington,	Mr. Phillips,
Mr. Burke,	Mr. Kingsley,	Mr. Shellhouse,
Mr. Eldred,	Mr. King,	Mr. Thayer,
Mr. Farrington,	Mr. Lothrop,	Mr. Wing,
Mr. Felch,	Mr. Monfore,	Mr. Yerkes,
Mr. Ferrington,	Mr. McGaffey,	Mr. Speaker,
Mr. Field,		

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On motion of Mr. McKeen, a second committee of conference was appointed upon the disagreement between the two houses upon said chapter one hundred and six.

The Chair announced the following as said committee : Messrs. Felch, Calkin, Purdy.

The following messages were received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate have concurred in chapters one hundred and seventeen, one hundred and twenty-three, and one hundred and twenty-eight, without amendment.

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return chapter one hundred and twenty-five of the revision of the laws, with an amendment made thereto by the Senate, in

which the concurrence of the House of Representatives is respectfully requested.

The House took up chapter one hundred and twenty-five, with the amendment made thereto by the Senate, viz : in section fourteen, to strike out " fifty cents " and insert " one dollar," and the amendment was concurred in.

Mr. McGaffey, from the select committee to which chapter one hundred and twenty-four was referred, reported the same to the House with sundry amendments, which were concurred in.

On motion of Mr. McGaffey, said chapter was ordered to be engrossed for a third reading.

The engrossed chapter one hundred and twenty-four was then read the third time and passed.

On motion of Mr. McGaffey, chapter " Of the partition of lands owned by several persons," chapters one hundred and twenty-six, and one hundred and fifty-nine of the revision of the laws, were taken up, read the first and second time, and considered as in committee of the whole.

On motion of Mr. Eldred, chapter one hundred and twenty-six was referred to a select committee of three ; the Chair announced the following as said committee: Messrs. Eldred, Phillips, and Shellhouse.

On motion of Mr. McGaffey, chapter " Of the partition of lands owned by several persons," was ordered to be engrossed for a third reading.

The engrossed chapter, entitled as last above, was then read a third time and passed.

Chapter one hundred and fifty-nine was laid upon the table.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that Messrs. Britain, Manning and McDonell have been appointed a second committee of conference on the part of the Senate on the disagreement between the two houses on chapter one hundred and six.

On motion of Mr. McGaffey, the House adjourned until half-past six o'clock, this evening.

EVENING SESSION.

The House met pursuant to adjournment.

The roll being called,

The Chair announced a message from the Senate, through their secretary, in the words following :—

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return chapter one hundred and twenty-seven of the revision of the laws, with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested. I am also directed to inform the House of Representatives that the Senate have concurred in chapter one hundred and twenty-four without amendment.

Chapter one hundred and twenty-seven of the revision of the laws, with the amendments made thereto by the Senate, was taken up for consideration.

The question being upon concurring in the amendments made by the Senate to said chapter, viz : to strike out in section two, all after the word "thereof," in line nine, it was non-concurred in.

The question being upon concurring in the amendment made by the Senate to said chapter, viz : to strike out the eleventh line of section three, and insert "shall be paid out of the profits of the mill," it was non-concurred in.

Mr. Alden, from the select committee to which was recommended the bill entitled "An act to amend an act entitled 'An act to organize and regulate banking associations,'" reported the same to the House without amendment.

On motion of Mr. Alden, the vote taken upon the adoption of the amendment to the amendment of the Senate, viz : to strike out "tenth," in the last section of the bill as amended by the Senate, and insert "first," in lieu thereof, was reconsidered, and on his motion the amendment of the Senate was concurred in.

Mr. Bingham moved a reconsideration of the vote by which the House concurred in the amendment of the Senate to said bill, viz : to restore in lines eight and nine of section twenty-five, the words "in proportion to his or her amount of stock," which motion was decided in the negative.

Mr. Felch, from the committee on enrolment, reported as cor-

rectly enrolled, a bill entitled "An act to organize certain townships."

Mr. Felch, from the second committee of conference on the disagreement between the two houses upon chapter one hundred and six, reported that the committee could not agree.

Mr. Lothrop moved that the House concur in the amendment made by the Senate to said chapter, and on motion of Mr. Wing, the question was decided by yeas and nays, in the negative, as follows :

YEAS.

Mr. Brown,	Mr. Levake,	Mr. Phillips,	
Mr. Bingham,	Mr. McKeen,	Mr. Shattuck,	
Mr. Calkin,	Mr. McCamly,	Mr. Shellhouse,	
Mr. Lothrop,	Mr. Mosely,		11.

NAYS.

Mr. Alden,	Mr. Farrington,	Mr. King,	
Mr. Burbank,	Mr. Foote,	Mr. McGaffey,	
Mr. Ballard,	Mr. Gilbert,	Mr. Purdy,	
Mr. Cornell,	Mr. Herrington,	Mr. Wing,	
Mr. Eldred,	Mr. Kellogg,	Mr. Yerkes,	
Mr. Ferrington,	Mr. Kingsley,	Mr. Speaker,	18.

On motion of Mr. Lothrop, a third committee of conference was appointed upon said chapter. The Chair announced the following as said committee : Messrs. Lothrop, Wing and Brown.

Mr. Eldred, from the select committee to which was committed chapter one hundred and twenty-six, reported the same to the House with an amendment as a substitute to said chapter. The report was agreed to, and on motion of Mr. Eldred, said chapter was ordered to be engrossed for a third reading.

The engrossed chapter, chapter one hundred and twenty-six, was then read the third time and passed.

Mr. McGaffey moved that the House take up for consideration the report, heretofore laid upon the table, of the select committee to which was referred a petition from sundry inhabitants of Lenawee county, praying that the right of trial by jury may be extended to fugitive slaves, and for other purposes, which motion was decided in the negative.

On motion of Mr. Farrington, the House resumed, in committee of the whole, Mr. Almy in the chair, the consideration of the

bill entitled "A bill for the relief of Robert Abbott and others," and after some time spent therein, the committee rose, and through their chairman reported the same to the House, with sundry amendments, which were concurred in.

Mr. Wing moved further to amend said bill by inserting the following: "That there be paid to James Mullholland, the sum of thirty-six dollars, for his services in going to Ohio and apprehending a person by the name of Brown, on the warrant of the Governor of this state." Said bill was then ordered to be engrossed for a third reading.

The engrossed bill entitled as above, was thereupon read the third time and passed.

Mr. McCamly offered the following joint resolution:

Resolved, (if the Senate concur,) That the committee in charge of the capitol be authorized to permit George Combs to occupy the basement story, or such rooms in the same as the said committee may deem proper for the protection of said building and its appurtenances, under such restrictions as they may deem proper.

Mr. McCamly moved a suspension of the sixteenth rule, which requires that all joint resolutions shall lay on the table one day, which motion was negatived, and said resolution lays on the table one day.

Chapter one hundred and fifty-nine of the revision of the laws was taken up for consideration.

Said chapter was ordered to be engrossed for a third reading.

The engrossed chapter, chapter one hundred and fifty-nine, was then read a third time and passed.

The following message was received from the Senate, through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate do not agree to the appointment of a third committee of conference on chapter one hundred and six.

On motion of Mr. Kingsley, the House adjourned.

Saturday, December 30.

The House met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Foote, Martin and Monfore.

The journal of yesterday being read,

Mr. Felch, from the joint select committee which was instructed to inquire into and report the most advisable method for publishing and distributing the revised code of laws, reported the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor be, and he is hereby authorized and required to appoint two commissioners to superintend the publication of the revised laws of this state, whose duty it shall be personally to superintend the publication, examine the proof-sheets, compare the same with the original acts in the office of the Secretary of State, prepare marginal notes to the sections and an exact and copious index to the whole.

Resolved, That seven thousand copies of the revised statutes be printed and published with the Constitution of the United States and the amendments thereto; the ordinance of 1787; the act of Congress admitting Michigan into the Union, and the constitution of this state prefixed thereto, by the state printer, under the direction of the commissioners aforesaid; and it shall be their duty to have the same completed and deposited in the office of the Secretary of State, ready for distribution on or before the first day of July next.

On motion of Mr. Felch, the sixteenth rule was suspended, and said resolutions were read the first and second times and considered as in committee of the whole.

Mr. Lothrop moved to amend the resolutions by adding the following as a separate resolution, which was agreed to.

Resolved, That it shall be the duty of the Secretary of State, in distributing the revised laws, to take receipts for every copy that shall go out of his hands, and report annually to the legislature the number of copies distributed, and to whom, and the number on hand in his office.

Said resolution as amended was then ordered to be engrossed for a third reading.

The engrossed resolution as above, was then read a third time and passed.

The following message was received from the Senate, through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith transmit a bill which has passed the Senate, entitled "A bill making appropriations at the adjourned session of the legislature, held and convened on the ninth day of November, 1837," in which the concurrence of the House of Representatives is respectfully requested. I am also directed to inform the House of Representatives that the Senate have concurred in chapter one hundred and fifty-nine of the revision of the laws, without amendment.

The House, on motion of Mr. Burbank, took up for consideration the bill entitled "A bill making appropriations at the adjourned session of the legislature, held and convened on Thursday, the ninth day of November, 1837."

On motion of Mr. Lothrop, said bill was referred to the committee on ways and means.

The following message from the Senate, was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate have concurred in the amendment made by the House to the amendment of the Senate to section twenty-seven of the bill entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations;'" and also that the Senate insist on their amendment to chapter one hundred and twenty-seven.

On motion of Mr. Lothrop, a committee of conference was appointed, consisting of Messrs. Lothrop, Wing and McKeen, upon the disagreement between the two houses upon chapter one hundred and twenty-seven.

On motion of Mr. Wing, the third committee of conference upon the disagreement of the two houses upon chapter one hundred and six, were discharged.

The following message was received from the Senate through their secretary :

Mr. SPEAKER :—In pursuance of the rules of the Senate, I here-

with return the bill entitled, "A bill for the relief of Robert Abbott and others," with an amendment made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

The bill entitled "A bill for the relief of Robert Abbott and others, with the amendment made by the Senate, was taken up, and the amendment was concurred in.

The following message was received from the executive through Mr. Jackson, his private secretary :

To the House of Representatives :

I have this day approved, and filed in the office of the Secretary of State, the following acts, viz : "An act for the preservation of railroads, and other works belonging to the state ;" and "An act to organize certain townships."

STEVENS T. MASON.

December 30, 1837.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled a bill entitled "A bill for the relief of Robert Abbott and others."

Mr. Alden, from the same committee, reported as correctly enrolled, title one, part fourth of the revision of the laws.

Mr. Lothrop moved a call of the House, when the following members were found to be absent without leave :

Messrs. Burbank, Butler, Calkin, Eldred, Ely, Foote, Herrington, Howe, Haskins, Kellogg, Kingsley, King, Levake, Munger, Martin, Monfore, McGaffey, McKeen, Mosely, Purdy, Ralph, Job Smith, Shattuck, Wisner, Yerkes, Speaker.

On motion of Mr. Lothrop, the sergeant-at-arms was directed to bring in the absent members.

On motion of Mr. Lothrop, the House adjourned.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Ely, from the select committee, which was directed to inquire into the causes that have produced the unequal taxation of the respective counties in this state, for the support of the government thereof, made a report, which was read and laid upon the table.

Mr. Farrington, from the committee on claims, made the following report, which was read and laid upon the table :

REPORT.

The committee to which was referred the claims of the counsel, clerk, sergeant-at-arms, and the witnesses for attendance and services before the committee which was appointed by the House to investigate the official conduct of George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit, do recommend to be paid to the following persons for their services in attendance on the committee of investigation of the same—to Darius C. Jackson, for his service and expenses in travelling in subpoenaing witnesses and attendance, one hundred and fifty-six dollars ; to O. D. Richardson, for his services as counsel, forty dollars ; to A. S. Porter, for his services as counsel, thirty dollars ; to T. J. Drake, for his services as counsel, forty dollars ; to Geo. R. Griswold, for his services as clerk of the committee, one hundred and fifty dollars ; and there shall be paid to the witnesses in attendance on said committee, such fees as are allowed by law in the circuit court.

On motion of Mr. Cornell, the House took up the joint resolutions relative to the publication and distribution of the act to provide for the organization and support of primary schools, and the act amendatory thereto ; said resolutions were read the first and second times and considered in committee of the whole. On motion of Mr. Alden, the blank was filled with the word " three," and the resolutions were ordered to be engrossed for a third reading ; the engrossed resolutions as above, were then read a third time and passed.

The Chair announced the following communication from the reviser of the laws, which was read and laid upon the table :

To the Honorable the Senate and the

House of Representatives :

The undersigned, having submitted to the legislature the result of his labors, under the appointment of the 8th March, 1836, begs leave to submit, that owing to circumstances beyond his control, he has been unable to prepare and submit three general subjects

of legislation, belonging to the third part of the code reported by him, to wit: of fees and costs; of the limitations of actions and prosecutions, and of the relief of insolvent and imprisoned debtors.

He considers it due to the legislature to state, that the sickness of his assistant, for four weeks during the present session, when no other person could so well perform the duties which he had undertaken to perform, on account of his familiarity with the whole work of the revision, has necessarily delayed the undersigned in submitting his final report to the legislature, until so late a period in the session.

All which is respectfully submitted.

WM. A. FLETCHER.

Detroit, Dec. 29, 1837:

On motion of Mr. Kingsley, the House took up the bill from the Senate, laid upon the table at the first session of this legislature, entitled "A bill to incorporate the Port Sheldon and Grand River railroad company," and on motion of Mr. Alden, said bill was referred to the committee of internal improvement.

The following message from the Senate was received through their secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the resolutions relative to the publication and distribution of the revised statutes, with amendments made thereto by the Senate, in which the concurrence of the House of Representatives is respectfully requested.

The House took up the joint resolutions relative to the publication and distribution of the laws, with the amendments made thereto by the Senate, and the amendments were, on motion of Mr. Lothrop, concurred in.

Mr. Eldred, from the committee of ways and means, to which was referred the bill entitled "A bill making appropriations at the adjourned session of the legislature, held and convened on Thursday, the ninth day of November, 1837," reported the same to the House with sundry amendments.

On motion of Mr. Lothrop, the House resolved itself into a committee of the whole, Mr. Bingham in the chair, upon the bill entitled as last above, and after some time spent therein, the com-

mittee rose and reported progress, and asked and obtained leave to sit again.

The following message was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate have refused to recede and do still insist on their original amendment, proposing an additional section to stand as section twelve, in chapter one hundred and six of the revision of the laws.

The following message was received from the Executive through Mr. Jackson, his private secretary :

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State "An act for the relief of Robert Abbott and others."

STEVENS T. MASON.

Dec. 30, 1837.

The following message was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that Messrs. Comstock, Clark and McKey, have been appointed a committee of conference on the part of the Senate on the disagreement between the two houses on chapter one hundred and twenty-seven.

On motion of Mr. Kingsley, the House adjourned till six o'clock, P. M.

EVENING SESSION.

The House met pursuant to adjournment.

Mr. Lothrop, from the committee of conference on the part of the House upon chapter one hundred and twenty-seven, reported that they recommend the House to concur in the amendments made to said chapter by the Senate ; the report was agreed to and the amendments were concurred in.

Mr. Ely, from the committee on internal improvement, to which was referred the bill from the Senate entitled "A bill to incorporate the Port Sheldon and Grand River railroad company," reported the same to the House with an amendment which was concurred in. Said bill as amended was, on motion, ordered to be engrossed for a third reading.

The engrossed bill entitled as above, was then read the third time and passed, two-thirds voting in favor, by yeas and nays, as follows :

YEAS.

Mr. Alden,	Mr. Foote,	Mr. Purdy,	
Mr. Bingham,	Mr. Herrington,	Mr. Phillips,	
Mr. Burke,	Mr. King,	Mr. Job Smith,	
Mr. Cornell,	Mr. Lothrop,	Mr. Shattuck,	
Mr. Eldred,	Mr. Levake,	Mr. Shellhouse,	
Mr. Ely,	Mr. McGaffey,	Mr. Thayer,	
Mr. Ferrington,	Mr. McKeen,	Mr. Yerkes,	
Mr. Farrington,	Mr. McCamly,	Mr. Speaker,	24.

NAYS.

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On motion of Mr. Lothrop, the House resumed in committee of the whole, Mr. Bingham in the chair, the consideration of the bill entitled " A bill making appropriations at the adjourned session of the legislature, held and convened on Thursday, the ninth day of November, 1837," and after some time spent therein, the committee rose and through their chairman reported the same to the House with sundry amendments, which were concurred in.

Mr. Bingham moved further to amend said bill by striking out " seven hundred and fifty," and inserting " five hundred" in lieu thereof, for services to Edward E. Clark, as clerk to the reviser of the laws.

Mr. McKeen moved to amend the motion by striking out the whole of the appropriation to Edward E. Clark.

The question, on the motion of Mr. McKeen, to amend the motion of Mr. Bingham, was decided in the negative.

The question, on the motion of Mr. Bingham, to strike out " seven hundred and fifty" and insert " five hundred," was decided in the affirmative. Said bill as amended was thereupon read the third time and passed.

On motion of Mr. Alden,

Resolved, That the state printer be instructed to obtain from the Secretary of State, twenty copies of the laws passed by the first legislature of this state, and also twenty copies of the laws passed at the first two sessions of the second legislature, and cause the same to be well bound and deposited in the state library.

The joint resolution relative to permitting George Combs, to occupy the basement story of the capitol, heretofore laid upon the table, was taken up, read the first and second times and considered as in committee of the whole.

On motion of Mr. McCamly, said resolution was ordered to be engrossed for a third reading ; the engrossed resolution as above, was then read the third time and passed.

Mr. Wing offered the following joint resolution :

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioners to be appointed by the Governor, to superintend the publication of the revised laws, together with the commissioner who revised the laws, are hereby authorized and required to number the chapters of the revised laws, in progressive numbers throughout the whole code, and to arrange them under the appropriate parts and titles, and also to insert the proper references when reference shall have been made in one chapter to another in the revised laws ; and that the joint resolution heretofore adopted in relation to the numbering the said chapters, is hereby rescinded.

On motion of Mr. Wing, the sixteenth rule was suspended, and said resolution was read the first and second times and considered as in committee of the whole.

On motion of Mr. Wing, the above resolution was ordered to be engrossed for a third reading.

The engrossed resolution as above, was then read the third time and passed.

Mr. McKeen moved to take up for consideration chapter one hundred and six and amendments, which was negatived.

Mr. Felch, from the committee on enrolment, reported as correctly enrolled a bill entitled " An act to amend an act entitled ' An act to organize and regulate banking associations ; ' " also a joint resolution relative to the publication and distribution of the revised code; also titles one, three, five, seven, nine, eleven and thirteen, of part first, titles one, three, five, and seven, of part second, titles one and three of part third, and title one of part fourth of the revision of the laws.

The following message was received from the Senate through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I herewith return the bill entitled " A bill making appropriations at the adjourned session of the legislature, held and convened on Thursday, the ninth day of November, 1837," and am directed to inform the House of Representatives that the Senate have non-concurred in the first and last amendments made by the House, and have amended sundry other amendments made by the House, in which amendments to the amendments, the concurrence of the House of Representatives is respectfully requested.

I am also directed to inform the House of Representatives that the Senate have concurred in chapter " Of the partition of lands owned by several persons," without amendment.

The House took up the bill entitled " A bill making appropriations at the adjourned session of the legislature, held and convened on Thursday, the ninth day of November, 1837," with the amendments made thereto.

The question being upon insisting upon the amendment made by the House to said bill, viz : to strike out the thirty-second and thirty-third lines, making an appropriation of six hundred and sixty-six dollars, to the Lieutenant Governor, in which the Senate had non-concurred, it was, on motion of Mr. Lothrop, decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Alden,	Mr. Felch,	Mr. McCamly,
Mr. Almy,	Mr. Farrington,	Mr. Purdy,
Mr. Brown,	Mr. Foote,	Mr. Phillips,
Mr. Burbank,	Mr. Gilbert,	Mr. Job Smith,
Mr. Ballard,	Mr. Herrington,	Mr. Shellhouse,
Mr. Burke,	Mr. Lothrop,	Mr. Thayer,
Mr. Calkin,	Mr. Monfore,	Mr. Wing,
Mr. Eldred,	Mr. McGaffey,	Mr. Yerkes,
Mr. Ely,	Mr. McKeen,	Mr. Speaker,
Mr. Ferrington,		

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NAYS.

Mr. Bingham,	Mr. Kingsley,
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The question being upon the amendments made by the Senate to

the amendments made by the House to said bill, they were non-concurred in, except the second, which was concurred in.

On motion of Mr. Felch, a committee of conference was appointed upon the disagreement between the two houses upon the bill entitled as above.

The Chair announced Messrs. Felch, Lothrop and Bingham, as said committee.

The Chair announced a message from the Senate in the words following :

MR. SPEAKER—In pursuance of the rules of the Senate, I herewith return the resolution relative to authorizing George Combs to occupy a room in the Capitol, in which the Senate have concurred without amendment. I am also directed to inform the House of Representatives that the Senate have concurred in the chapter "Of the partition of lands owned by several persons," without amendment.

The following message from the Senate was received through their secretary :

MR. SPEAKER—I am directed to inform the House of Representatives that Messrs. Barry, Manning and Moore, have been appointed a committee of conference on the part of the Senate, on the disagreement between the two houses on the appropriation bill ; I also herewith transmit a resolution, which has passed the Senate, relative to the numbering of the chapters of the revised statutes, in which the concurrence of the House of Representatives is respectfully requested.

The joint resolution from the Senate, relative to the numbering of the chapters of the revised laws, was taken up and read the first and second time and on motion, read the third time and passed.

Mr. Felch, from the committee of conference on the disagreement on the appropriation bill, reported that the committees could not agree upon a report respecting the appropriation to the Lieutenant Governor, that they recommend first, that the Senate do recede from the third amendment ; second, that the Senate recede from the amendment appropriating forty-five dollars and forty-five cents to Elisha Ely, and adopt the amendment of the House ; third, that the Senate recede from the sixth amendment ; fourth,

that the House recede from the amendment repealing the appropriation made in eighteen hundred and thirty-seven, for revising the laws.

The following message from the Senate was received through their secretary :

Mr. SPEAKER—I am directed to inform the House of Representatives that the Senate have concurred in the report of the committee of conference on the disagreement between the two houses on the appropriation bill, and that the Senate non-concurred in the first amendment made by the House to said bill.

On motion of Mr. Bingham, the House insisted upon their first amendment respecting the appropriation to the Lieutenant Governor, by yeas and nays, as follows :

YEAS.

Mr. Almy,	Mr. Felch,	Mr. McCamly,
Mr. Brown,	Mr. Farrington,	Mr. Phillips,
Mr. Burbank,	Mr. Foote,	Mr. Job Smith,
Mr. Ballard,	Mr. Gilbert,	Mr. Shattuck,
Mr. Burke,	Mr. Herrington,	Mr. Shellhouse,
Mr. Calkin,	Mr. Lothrop,	Mr. Thayer,
Mr. Cornell,	Mr. Levake,	Mr. Wing,
Mr. Eldred,	Mr. Monfore,	Mr. Yerkes,
Mr. Ely,	Mr. McGaffey,	Mr. Speaker,
Mr. Ferrington,	Mr. McKeen,	

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NAYS.

Mr. Alden,	Mr. King,
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2

The question being on agreeing to the report of the committee of conference on said appropriation bill, the report was agreed to, except the fourth branch of the report, which was disagreed to, and the House, on motion of Mr. Bingham, insisted upon their amendments, viz : to repeal so much of the act of appropriation made at the first and regular session of this legislature, as appropriated one thousand five hundred dollars for revising the laws, by yeas and nays, as follows :

YEAS.

Mr. Alden,	Mr. Cornell,	Mr. King,
Mr. Almy,	Mr. Ely,	Mr. Lothrop,
Mr. Bingham,	Mr. Felch,	Mr. Levake,
Mr. Ballard,	Mr. Farrington,	Mr. Wing,
Mr. Burke,	Mr. Kingsley,	

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NAYS.

Mr. Brown,	Mr. Gilbert,	Mr. Job Smith,
Mr. Burbank,	Mr. Herrington,	Mr. Shattuck,
Mr. Calkin,	Mr. Monfore,	Mr. Shellhouse,
Mr. Eldred,	Mr. McKeen,	Mr. Thayer,
Mr. Ferrington,	Mr. McCamly,	Mr. Yerkes,
Mr. Foote,	Mr. Phillips,	Mr. Speaker,

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The following message from the Senate was received through their secretary :

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives that the Senate insist on their non-concurrence in the first and last amendments made by the House of Representatives to the appropriation bill.

On motion of Mr. Lothrop, the House insisted on their first amendment to the appropriation bill, by yeas and nays, as follows :

YEAS.

Mr. Almy,	Mr. Farrington,	Mr. Phillips,
Mr. Brown,	Mr. Foote,	Mr. Job Smith,
Mr. Burbank,	Mr. Gilbert,	Mr. Shattuck,
Mr. Ballard,	Mr. Herrington,	Mr. Shellhouse,
Mr. Calkin,	Mr. Lothrop,	Mr. Thayer,
Mr. Cornell,	Mr. Levake,	Mr. Wing,
Mr. Ely,	Mr. Monfore,	Mr. Yerkes,
Mr. Ferrington,	Mr. McGaffey,	Mr. Speaker,
Mr. Felch,	Mr. McKeen,	

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NAYS.

Mr. Alden,	Mr. Eldred,	Mr. King,
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3

On motion of Mr. Cornell, the House receded from their last amendment to the appropriation bill, by yeas and nays, as follows :

YEAS.

Mr. Alden,	Mr. Cornell,	Mr. Kingsley,
Mr. Almy,	Mr. Ely,	Mr. King,
Mr. Brown,	Mr. Ferrington,	Mr. Lothrop,
Mr. Bingham,	Mr. Felch,	Mr. McGaffey,
Mr. Burbank,	Mr. Farrington,	Mr. Job Smith,
Mr. Ballard,	Mr. Foote,	Mr. Wing,
Mr. Calkin,	Mr. Gilbert,	

20

NAYS.

Mr. Eldred,	Mr. McKeen,	Mr. Shellhouse,	
Mr. Herrington,	Mr. McCamly,	Mr. Thayer,	
Mr. Levake,	Mr. Phillips,	Mr. Yerkes,	
Mr. Monfore,	Mr. Shattuck,	Mr. Speaker,	12

The following message was received from the Senate through their secretary :

Mr. SPEAKER—I am directed to inform the House of Representatives that Messrs. Britain, Kercheval and Clark, have been appointed a committee of conference on the disagreement between the two houses on the appropriation bill.

On motion of Mr. Lothrop, a committee of conference was appointed, consisting of Messrs. Lothrop, Alden and Wing, on the disagreement between the two houses on the appropriation bill.

On motion of Mr. Bingham,

Resolved unanimously, That the thanks of this House be presented to the Hon. Chas. W. Whipple, for the faithful, impartial and dignified manner with which he has discharged the duties of presiding officer of this House.

The following message was received from the Senate through their secretary :

Mr. SPEAKER—I am directed to inform the House of Representatives that the Senate have concurred in the first amendment made by the House to the appropriation bill.

The following message was announced by the Chair as having been received from the Executive :

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State, a resolution entitled " A resolution relative to the publication and distribution of the revised laws ;" an act entitled " An act to incorporate the Port Sheldon and Grand Rapids railroad company ;" " A resolution relative to the numbering of the chapters of the revised statutes ;" an act to amend an act entitled " An act to organize and regulate banking associations and for other purposes ;" and " An act making appropriations at the adjourned session of the legislature, held and convened on Thursday, the ninth day of November, 1837."

STEVENS T. MASON.

December 30, 1837.

To the House of Representatives :

I have approved and filed in the office of the Secretary of State, the code of laws adopted by the legislature, entitled " The revised statutes of the state of Michigan."

STEVENS T. MASON.

December 30, 1837.

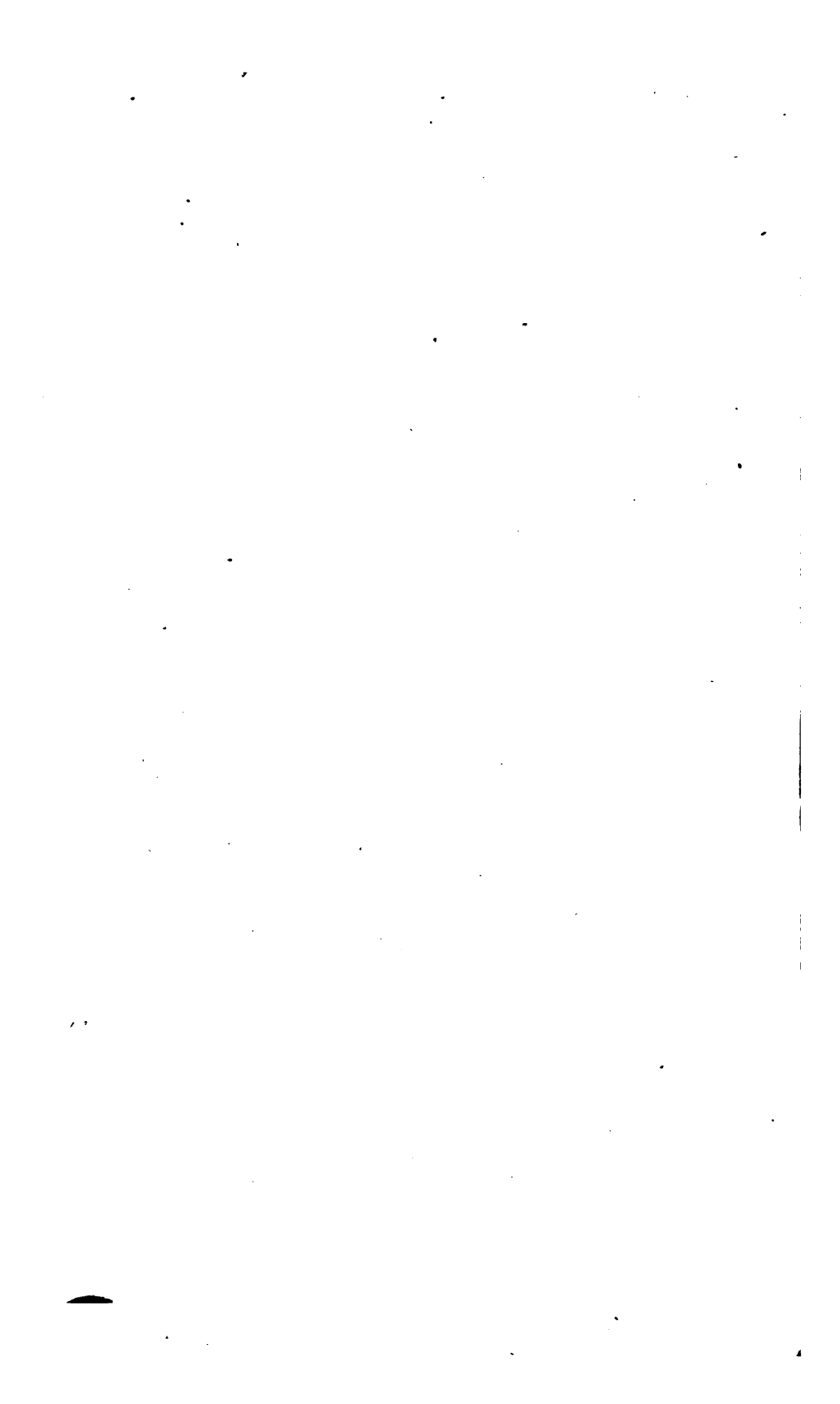
On motion of Mr. McGaffey, a committee of two was appointed to join such committee as may be appointed upon the part of the Senate, to wait upon the Governor, and inform him that the legislature are about to adjourn, and ask him if he has any further communication to make ; Messrs. McGaffey and Lothrop were appointed said committee.

The following message was received from the Senate through their secretary :

Mr. SPEAKER—I am directed by the Senate to inform the House of Representatives that Messrs. Summers and Britain have been appointed a committee on the part of the Senate, to join the committee appointed by the House of Representatives to wait upon the Governor, and inquire if he had any further communication to make to either house.

Mr. McGaffey, from the joint select committee appointed to wait upon the Governor, reported that they had performed the duty assigned them, and had received for answer from the Governor that he had no further communication to make to this legislature.

On motion of Mr. McKeen, the House adjourned, *sine die*.



DOCUMENTS.

(No. 1.)

Report of the Committee to investigate the official conduct of Judge George Morell.

The committee appointed by the House of Representatives, to inquire into the official conduct of George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit, and to report their opinion whether the said George Morell has so acted in his judicial capacity, as to require the interposition of the constitutional power of this House, respectfully submit the following

REPORT :

Agreeably to a resolution of the House, your committee, soon after their appointment, by resolution, directed their chairman to furnish to the respondent a list of the charges and specifications which were made the subject of complaint against him, to the proof of which testimony would be adduced. These charges and specifications having been furnished, and the respondent duly notified, your committee met at the capitol in the city of Detroit, for the purpose of hearing testimony thereon, on the twenty-eighth day of August last, and at that and several successive meetings, at all of which the respondent or his counsel was present, the testimony herewith reported, was received and reduced to writing.

Your committee deem it advisable to report herewith the charges preferred, (which are twelve in number,) the proof adduced in support of them, the testimony offered by the respondent, and all documents which were laid before them, together with a full journal of the proceedings of the committee, rather than to attempt any abbreviation of the same, or to present the arguments by which their opinion is formed.

After a careful examination of all the facts, your committee

have come to the conclusion that the charges are not sustained by the proofs, and that no further action of the House, founded upon them, is advisable.

The constitutional provision on the subject, contemplates two methods for the removal of officers in the judiciary department. The first is by impeachment; the second is by the Governor, "on the address of two-thirds of each branch of the legislature, for any cause which shall not be a sufficient ground for impeachment." Corrupt conduct in office, crimes and misdemeanors, are the usual charges by which impeachments are sustained. Offences of a milder complexion, gross neglect of duty, loss of intellect, intemperate habits, and many other causes, would afford grounds for a removal by the latter method. But in either case, the charges should be specifically made, and undergo a distinct examination, and the accused should be heard in his defence upon each. The attention of your committee has consequently been directed to the charges furnished the respondent, and their opinion formed exclusively upon them.

In the first ten charges, neglect of duty in failing to hold the several terms of the court therein specified, are the subject of complaint. A reference to the testimony will show that upon some of them no proof was adduced; others have reference to a time previous to the respondent's qualification as a judge. Some were excused by indisposition, and others by the bad state of the roads and the closing of all water communication.

It cannot be denied that in many of the counties, particularly in those lately organized and where little business has arisen, much inconvenience has been experienced in the failure of their courts. Previous to the admission of Michigan into the Union, by formal act of Congress, a doubtful jurisdiction hung around our state tribunals. In the northern circuit, many circumstances which are developed in the testimony, have conspired to produce a succession of failures. In one or two of the cases complained of, a more vigorous effort might perhaps have overcome all obstacles; but, under all the circumstances, your committee cannot see that heedless or willful neglect of duty in the cases specified, which would warrant the interference of the legislature.

The proof offered to sustain the eleventh and twelfth charges, relates to the conduct and decisions of Judge Morell at the last May term of the court in Oakland, and also at the October term in St. Clair.

In matters which come properly before a judge upon the bench for his decision, and in the general proceedings in court, much is necessarily left to the discretion of the judge. Indeed, it is to this discretion and the confidence which we have in the integrity and learning by which it is supposed to be in some degree directed, that we commit the important interests depending

upon judicial decisions. It is not enough, therefore, to warrant the interference of the legislature to effect his removal, merely to show that in certain decisions, the opinion of the judge differed from that of certain other individuals. Sound minds from the same premises will sometimes arrive at different conclusions. Is there anything in the decision or the conduct made the subject of complaint, which exhibits a palpable want of reasoning powers, or which, from its premises, makes deductions evidently absurd or erroneous? Is the decision or conduct characterized by corruption? Is it influenced by passion? Is it affected by prejudice? Is it affected by any thing other than a candid and anxious endeavor to arrive at those conclusions which are the legitimate result of the facts or the law in the case? Has discredit, from any of these causes, been brought upon the court, justly impairing its influence and destroying the confidence of community in its judgments? Have the rights of parties been sacrificed by such decisions, or by the remarks or the conduct of the judge?

To these questions as a test, rather than to the complaints of individuals who may have felt themselves aggrieved in specific cases, your committee have directed their attention in this examination. And in the application of the principles involved, they are of the opinion that the conduct of the respondent has not been such as to require the interposition of the power of the House, to effect his removal by either of the methods contemplated by the constitutional provision.

The attention of your committee has been particularly directed to an allegation made under one of the last mentioned charges, that upon a day specified, during the sitting at the May term of the court in Oakland county, the respondent was under the influence of intoxication, and took his seat upon the bench while under that influence. Upon this subject your committee have carefully compared and examined the testimony, and are fully of opinion that the weight of evidence is with the respondent, and that the allegation is not sustained by the proof.

It is due, perhaps, from the committee to themselves, to say that the utmost liberality has been extended in receiving evidence and hearing the arguments of parties and of counsel, during this laborious investigation. They have been cautioned on the one hand, not to withhold, from any feelings of sympathy, policy or interest, strict scrutiny into the charges involving the purity, the integrity, the impartiality of our courts, and the official reputation of the respondent; nor on the other hand, to allow any unjust aspersion of character, any temporary and unfounded excitement, any improper feelings arising from fancied grievances, to jeopardize the fair fame of a judicial officer, or reflect discredit upon the highest tribunal of justice.

Your committee would further remark, that on some of the

matters in question, the testimony is of a vague and unsatisfactory kind; on others, it is of so contradictory a character, as to give rise, perhaps, to different deductions of fact in the minds of different individuals. Upon these facts the evidence herewith reported, will enable each individual to form his own opinion.

Your committee recommend the adoption of the following resolution :

Resolved, That the charges preferred against the honorable George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit, in accordance with certain resolutions of this House, passed on the fifteenth and sixteenth days of June last, are not sustained by the testimony taken and returned to this House by the committee of investigation, appointed under said resolutions ; and that said Morell's official conduct, so far as the same has been developed on said examination, is not such as to require any interference of the constitutional power of this House.

(No. 2.)

Protest of George W. Wisner, against the adoption of the Report of the Select Committee to investigate the official conduct of Judge George Morell.

The undersigned, member of the House of Representatives, from the county of Oakland, and chairman of the committee of investigation, appointed under a resolution of the House, the fifteenth of June last, protests against the adoption of the report of the majority of said committee.

And for reasons of his protest, he submits the following, to wit :

1st. The fourth, sixth, eleventh, and twelfth charges which were preferred against George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit, in his place, on the floor of this House, by the undersigned, have been fully sustained by the evidence before the committee.

2d. In the opinion which the majority of the committee have thought proper to express, in their report, that in failing to hold the terms of the circuit court, as the law peremptorily requires, they cannot see that *willful neglect* of duty, on the part of the respondent, which would warrant the interference of the legislature, the undersigned cannot for a moment coincide. A neglect and refusal to hold a court in the county of Lapeer, on the third Tuesday of April, 1837, constitutes one of the specific charges

preferred against the respondent. That his neglect to hold a court in this county was *willful*—that a knowledge of the absolute want of a court in the county, was conveyed to the respondent several weeks previous to the time upon which the law directed the court to be held; and that he received *inducements* sufficiently weighty to overbalance the obligations which his duty and his oath of office imposed upon him, by an interested individual, is in the opinion of the undersigned, clearly manifested by the following extract from the testimony upon the journal of the committee:

“*Minor Y. Turrill* sworn—testified that he came to Detroit about the time spoken of by Mr. Hart, (a witness who had previously testified,) saw Mr. McKeen, who said he had advised Judge Morell not to come. Witness remonstrated, and told him he (witness) had a deep interest in the court, as he had suits. Came to Detroit to induce the judge to go out and hold the court. Judge said McKeen had stated that the holding the term was not necessary. Witness told him (the judge) that McKeen had something to fear from the grand jury, himself, if the court was held, and that his (McKeen's) friends were in the same situation. Witness stated (to the judge) that he had two suits, and wanted to commence others. Stated to judge Morell that we ought to have courts; that McKeen misrepresented, and that persons in that county felt aggrieved by it. Judge regretted that he had not arranged his business so as to come; said he was preparing to keep house, and was sorry he could not arrange his business so as to go. Conversed with the judge several weeks before the time for holding court. Has heard several complaints owing to the court not being held. Cannot say whether McKeen has any civil suits.”

The principle once admitted that a judge may refrain from holding his court, because of any information respecting the amount of business to come before him, other than such as he may derive from the legal records of the county, and there is an end to public and private protection. The safeguards which the laws have thrown around the property, the lives and reputation of citizens, are at once placed at the mercy of suspected criminals and fraudulent debtors. The very object for which our circuit courts were organized is defeated. No matter what may be the legal rights of the community, or of private citizens, “offence's gilded hand” will never be wanting “to shove by justice.”

3d. The conclusions to which the majority of the committee have arrived from the evidence that was adduced in support of the eleventh and twelfth charges, is, in the opinion of the undersigned, erroneous. That, at the May term of the circuit court in the county of Oakland, of the present year, the respondent's

conduct was unbecoming a minister of justice, and marked with partiality, injustice and intemperance, will, in the opinion of the undersigned, fully appear from the following extract from the journal of the committee :

(Extract from the testimony of John Goodrich.)

John Goodrich recalled—is a member of the bar of Oakland county, and was present during the May term, 1837, Judge Morell presiding, who appeared from the first to be very anxious to adjourn. Court commenced on Tuesday and adjourned on Friday. Thinks Judge Morell left Monday after. The recess at noon was for one hour. The judge seldom came in until after the hour. For three of the days of the term, the court was delayed by his not coming in at the time. On one day, the court adjourned until one o'clock, and the judge did not come in until three o'clock. In one instance the associate justices commenced proceeding in a case, in the absence of Judge Morell, but objections being raised, denying their right of power, further proceedings were suspended. The sheriff sent for the judge. Witness saw him when he came in, and supposed he was affected by strong drink. He appeared as men frequently do under the influence of liquor. Judge Morell observed, that there had been some objections to the side judges acting. He wished to look at the statute. He did so, and gave as his opinion that the side judges had the power to hold the court, and could act. Mr. Manning was counsel for the party objecting. The case was submitted to the jury, who were charged by judge Morell. Before commencing the charge, he asked for some book containing a definition of a libel. "Kent's Commentary" was handed to him. At the close of the charge, which was brief, he stated that it was a small case. Witness thought he appeared very different from what he did in the forenoon. His conduct appeared petulant, hasty, and abrupt. Before the charge was given to the jury, one of the jurors wished to go out. The judge directed the sheriff to give him in charge of an officer. The defendant in the suit was deputy sheriff, and went out with the juror. They went into a shed together. The suit was, witness against Benjamin Irish. After the judge charged the jury they retired, came in again and said they could not agree. Witness thought the judge uttered the last part of his charge in such a manner as to prejudice the plaintiff's rights. It was a suit for a libel relative to witness's conduct in a court of justice while acting as counsel.

* * * Witness says there were two counts in the libel declaration ; that the first paper filed was not proved at the trial of the suit. The jury did not agree in the libel suit. It is still pending. In reply to a remark of Mr. Richardson, counsel for defendant, and on motion to retry the same case, Judge Morell stated on the bench that it was not the practice to try a case

at the same term at which the jury disagreed, and that it was *too contemptible* a case to be tried, or words to that effect. Witness says that he thought Judge Morell under the influence of ardent spirits; thought so from his conduct as well as his appearance. He seemed very unwilling to attend to business, but did not refuse to do business. His countenance seemed flushed. Did not notice particularly his gait; but his appearance was such at that time as to excite remarks from persons present, that he was intoxicated. Heard a number make the remark. Witness thought him very different from what he was in the forenoon. Thought his actions indicated the absence of the usual powers of his mind. Mr. Barber and Mr. Mercer have both expressed the opinion that Judge Morell was at that time under the influence of ardent spirits.

* * * * *

Benjamin Mercer sworn—testified that he was one of the petit jurymen at the last May term in Oakland, 1837; that Judge Morell came in late one afternoon, and that his appearance impressed the witness's mind that he (the judge) was under the influence of ardent spirits. His gait and manner seemed feeble. Did not know but he was unwell. Witness never saw the judge drink ardent spirits. Witness thought he despatched business more readily than it was usually done. After sitting about an hour, he appeared more enfeebled. Thinks his conduct excited remarks. Thought he left the bench very frequently. The judge passed directly by witness when he came in. Thought he was in a feeble state, or in liquor. Some of the jurors mentioned it, but the observation of jurors did not appear to witness to be important.

Alonzo Barber sworn—testified that he was present at the May term in Oakland county, 1837, as a spectator. Was present in the afternoon when Judge Morell came in late. Thought he was under the influence of ardent spirits. Was there during the trial of Goodrich vs. Irish. Witness left the court-house under the impression that the judge was under the influence of ardent spirits; never saw the judge before that time. His appearance gave rise to general remarks that his absence (from the court that afternoon) was occasioned by intemperance. Thought he did not maintain his usual dignity. Appeared restless and uneasy upon the bench. Witness drew his opinion of the judge's situation, as above stated, from his personal observation.

(Extract from the testimony of Joseph G. Farr.)

Witness saw Judge Morell in the street, (at Pontiac during the May term of the circuit court, 1837,) and thought him under the influence of liquor. Witness's attention was attracted by his gait. Witness thought he (Morell) manifested some difficulty in walking straight.

Although the majority of the committee may honestly believe that the facts presented by the foregoing testimony are in no way derogatory to the character of the respondent, and do not affect his usefulness, nor impair the public confidence in our judicial tribunals—the undersigned, (he hopes with equal *honesty*.) cannot avoid arriving at a different conclusion. He cannot but think that they are highly improper; insulting and degrading to the moral sense of the people, and require the immediate interposition of the constitutional power of the legislature.

4th. The facts in relation to the conduct of the respondent, while holding the October term of the circuit court for the county of St. Clair, in 1836, in the opinion of the undersigned, warrant a conclusion far different from that to which the majority of the committee have arrived. The entire confidence of the citizens in our judicial tribunals, which is so essential to the proper administration of the laws, can only be securely retained by the cool, temperate and deliberate conduct of our ministers of justice upon the bench. That confidence, in the opinion of the undersigned, has been materially impaired, by the reckless disregard for the rights of citizens, manifested by the respondent, in the improper and indecent haste with which he despatched his official duties in that county, at the time above mentioned, as may be shown by the following testimony from the journal of the committee:

Horatio James sworn—testified that he is clerk of the court of St. Clair county; has been for three years previous to July last; was present when judge Morell presided at the last October term in that county. The business of the term of the court was closed in a *hasty manner*. Witness told Judge Morell that the records were not brought up properly for signing. Judge told witness to bring them over to his lodgings. Witness heard the boat-bell ring; thought the boat was about leaving; went over to the judge's lodgings with the records; found the judge aboard the boat; the boat at that time did not run regular in her trips; went up with the judge to the house where he signed the records. A number of cases on the docket, issues and imparlances, thinks fifty or sixty cases. Don't know how many cases there were ready for trial; have a jail in that county. Witness thinks there were no prisoners in jail at that time. Had not entered any appeal cases for that term. The judge told witness that it was right not to enter them until the fees were paid. The court was closed in a very hasty manner, and created a good deal of dissatisfaction. Considers that individuals were subjected to additional expense, owing to the hasty manner in which the court was closed. When witness took the records to the judge for signature, all the proceedings were up except one case. Does not recollect that he told the judge that the records were all up.

Thinks he told the judge that one particular case was not included in the records, as he had not time to bring it up. The crier was ordered to adjourn the court when several counsel were ready with motions. No previous notice given that the court would adjourn when it did. The judge was solicited not to adjourn the court, as there was much business yet unfinished.

On a cross examination, stated he did not know but all the cases were tried that were ready. The judge stated that all cases must be ready at the second call; did not hear, on the second call, any ready for trial but what were tried. Does not think there were over two jury cases tried. People felt *indignant* at the want of courts there, owing to the imperfections of the judicial regulations, and also the *neglect* of Judge Morell in *not finishing the business* before the court. * * * *

Lorenzo M. Mason sworn—testified that he is a member of the bar of St. Clair county; was present at the October term, 1836; court commenced, (thinks,) on Tuesday; there was only one jury trial. A number of motions before the court when it adjourned. Mr. Whipple was *making a motion* when the court ordered the crier to adjourn the court. Several motions were *making* when the court adjourned. Does not know that his clients were injured by the adjournment. The calendar was called over twice. Does not recollect that judge gave notice that at the second call all cases must be ready. Does not know of any cases in which the parties were ready but what were tried. Court adjourned on Thursday. The adjournment was hasty and unexpected. Witness expected the calendar would be called over a third time. There was great difficulty in getting witnesses and parties together. All seemed to think the holding the court doubtful.

5th. It is in evidence upon the journal of the committee, that on the 17th day of October, 1836, by falsely representing that he had performed the duties of one of the associate justices of our supreme court, and presiding judge of the first circuit, during the months of July, August and September preceding, the respondent obtained from the state treasury three hundred and one dollars and three cents. An attested extract from the books of the Auditor General, exhibiting this fact, was placed upon the journal of the committee, in August last, in the presence of the respondent, and no attempt to explain the transaction has ever by him been made. Directed by the resolution under which the committee have acted, to inquire generally into his official conduct; bound by every tie of honor, and the solemn obligations of an oath, to guard the people's treasury from peculation; that this glaring instance of official corruption should have failed to induce the conclusion, on the part of the majority of the committee, that the respondent's conduct does require the interposition of the con-

stitutional power of the legislature, is to the undersigned most surprising. The deductions drawn by the majority of the committee, from the facts, in this instance, presents to the undersigned a strange phenomena in human reasoning; and are susceptible of a satisfactory explanation only by the principle laid down in the report of the majority of the committee, that different minds "from the same premises will sometimes arrive at *different conclusions.*"

For these and for other reasons, the undersigned, availing himself of his constitutional privilege, against the adoption of the report of the majority of the committee of investigation appointed by a resolution of this House on the fifteenth of June last, enters this his solemn protest, and respectfully asks that the same may be inserted upon the journal of the proceedings of the House.

GEORGE W. WISNER,

*Chairman of the Committee of Investigation, and
member of the House of Representatives
from the county of Oakland.*

(No. 3.)

Proceedings of a select committee to investigate the conduct of George Morell, one of the associate justices of the supreme court and presiding judge of the first circuit.

The resolutions adopted in the House of Representatives of the state of Michigan, on Thursday, June 15th, 16th and 17th, A. D. 1837, were as follows:

Resolved, That a select committee of five be appointed to inquire into the official conduct of George Morell, one of the associate justices of the supreme court, and presiding judge of the first circuit, and to report their opinion whether the said George Morell, has so acted in his judicial capacity as to require the interposition of the constitutional power of this House, and that said committee be empowered to carry on the investigation during the recess, and that they report to the adjourned session of the legislature.

Resolved, That the select committee to whom was referred the investigation of the conduct of George Morell, be authorized and empowered to subpoena witnesses before them, and that any neglect or refusal to obey the subpoenas of said committee, shall be deemed a contempt of this House, and may be punished accordingly.

Resolved, That George Morell be at liberty to appear by counsel before the committee appointed to investigate the charges

preferred against him by a member of this House ; and that the Speaker of this House is hereby directed to issue process for the attendance of such witnesses as the accused may desire, to appear before said committee; and any neglect on the part of such witnesses to appear, or refusal to testify, shall be deemed a contempt of this House, and may be punished accordingly ; and it shall be the duty of the committee to inform the said George Morell, the time and place of meeting of said committee, together with the charges to be preferred.

In pursuance of the above resolution, the committee met at the Capitol, in the city of Detroit, on the 21st June, 1837.

Present—Messrs. WISNER, FELCH, ELY, LOTHROP.

On motion of Mr. Lothrop,

Resolved, That the chairman of this committee be directed to make out in writing, a list of the charges to be preferred against George Morell, and serve him with a copy of the same ; and that he also notify the said Morell, that this committee will meet at Detroit, on the 22d day of August, to investigate the truth of the said charges.

Resolved, That in investigating the charges against George Morell, this committee will be governed, as nearly as practicable, by the rules that govern courts of justice, and that the chairman be authorized to employ counsel in behalf of this committee.

On motion, adjourned until 22d August, inst.

Subsequent to the adjournment to the time above mentioned, the committee were notified by the chairman that the time for meeting would be deferred until the 28th instant.

Monday, August 28, 1837.

The committee met pursuant to notice, at the Capitol, in the city of Detroit.

Present—Messrs. WISNER, FELCH, ELY.

On motion of Mr. Felch,

Resolved, That George R. Griswold be appointed and requested to act as secretary of this committee.

Resolved, That the chairman notify Judge Morell, or his counsel, that a quorum of the committee of investigation are present, and that they will proceed to the investigation contemplated by the resolutions of the House of Representatives, under which they are appointed, at three o'clock this afternoon, at the hall of the House of Representatives.

On motion, adjourned.

AFTERNOON SESSION.

Present—Messrs. WISNER, FELCH, ELY.

Messrs. Ross Wilkins, A. S. Porter, and O. D. Richardson, appeared as counsel in behalf of George Morell.

The following was the specification of charges reported by the chairman of the committee :

Pontiac, July 7, 1837.

Mr. WILKINS: Sir—By a resolution of the committee which was appointed by the House of Representatives, on the 15th June ult., to inquire into the official conduct of George Morell, I was directed to make out a list of the charges to be investigated, “and serve his counsel with a copy thereof,” also, “to inform him of the time the committee would meet to investigate the same.”

The following is a copy of the charges:

1st. That George Morell neglected and refused to hold a court in the county of Oakland, on the first Tuesday of November, A. D. 1836.

2d. He neglected and refused to hold a court in the county of Genesee, on the twentieth day of April, A. D. 1837.

3d. He neglected and refused to hold a court in the county of Saginaw, on the second Thursday of October, A. D. 1837.

4th. He neglected and refused to hold a court in the county of Saginaw, on the fourth Tuesday of April, A. D. 1837.

5th. He neglected and refused to hold a court in the county of Lapeer, on the first Tuesday of October, A. D. 1836.

6th. He neglected and refused to hold a court in the county of Lapeer, on the third Tuesday of April, A. D. 1837.

7th. He neglected and refused to hold a court in the county of Mackinac, on the first Tuesday of August, A. D. 1836.

8th. He neglected and refused to hold a court in the county of Chippewa, on the second Tuesday of August, A. D. 1836.

9th. He neglected and refused to hold a court in the county of St. Clair, on the first Tuesday of April, A. D. 1837.

10th. He neglected and refused to hold a court in the county of Macomb, on the fourth Tuesday of October, A. D. 1836.

11th. His conduct on the bench has been unbecoming a minister of justice, and has had a tendency to impair the public confidence in our judicial tribunals.

12th. At the May term of the circuit court in the county of Oakland, his conduct on the bench was marked with manifest injustice, partiality and intemperance.

The committee will meet at the capitol, in the city of Detroit, on the 22d August next.

Yours with great respect,

GEORGE W. WISNER,

Chairman of Investigating Committee.

Mr. Wilkins, having objected to further proceedings on the part of the committee, as all the members of the same were not present,

On motion, adjourned until to-morrow, at 9 o'clock, A. M.

Tuesday, August 29, 1837.

Present—Messrs. WISNER, FELCH, ELY.

The charges preferred by the committee against George Morell were read. Mr. Wilkins submitted the following with the request that it might be incorporated with the proceedings of the committee.

Investigation into the official conduct of George Morell, by a committee of the House of Representatives of Michigan, under a resolution of the House of Representatives appointing a committee to investigate the facts.

Present—Messrs. Wisner, Felch, Ely.

The counsel of Judge Morell object to a majority of the committee proceeding in the investigation, because,

1st. The resolution of the House of Representatives under which the committee act, does not authorize a less number than five to proceed, whereas there are only three present.

2d. One of the committee now present, and ready to pass upon questions which may arise, deeply affecting the interest and reputation of Judge Morell, is the accuser, and has drafted the charges preferred.

The committee conferred together, and decided that a sufficient number was present to render it competent for them to proceed.

The first charge against defendant, having been read, was admitted by his counsel.

Charles Draper was called by the committee and sworn to prove the consequences resulting from the fact of the term of the court not being held in the county of Oakland, as specified in the first charge.

The counsel for defendant objected to such evidence as being improper.

The committee waived the examination of the witness for the present.

The second charge having been read, *Robert F. Stage* was called by the committee and sworn—

Testified that he is clerk of Genesee county, and was at the time for holding the court in that county, on the twentieth of April, 1837, but that no court was held at that time, in consequence of the presiding judge (Morell) being absent; says that the associate judges and jury were present at the time; had no information from defendant that he was not coming to hold a court; had no deputy clerk at the time; stated that there was no court-house or jail in the county; a place had been fitted up for a court room in the chamber of a store, by the sheriff.

Thomas J. Drake was called on the part of the committee, and sworn—

Testified that he had a conversation with defendant in relation to his holding a court in Genesee county; that he (Morell) told

him that the reason for his not going there was, that Mr. Hascall and Mr. Mosely had informed him that there would be no business there to require his presence.

On motion, the committee adjourned until two o'clock this afternoon.

AFTERNOON SESSION.

Present—Messrs. WISNER, FELCH, ELY.

Mr. Wisner announced that the committee had employed as counsel Mr. Thomas J. Drake.

Robert F. Stage being called and sworn as to the usual amount of business in the court in Genesee county, testified that he did not know what the amount of business at the previous term of the court was; says in the April term, 1837, there were five civil cases on the calendar, and one or two criminal cases; the jurors were in attendance; thinks the parties in suit were.

On a cross examination—testified he was not present at the October term, but was present at the April term. There were five cases on the calendar; also there were civil cases in attachment; one or two criminal cases returned by justices. There were three appealed cases and one entered. The grand jury all attended; also the witnesses. Does not know if the parties were present. In the appealed cases no subpoenas issued. The associate judges said they had not power to hold court in the absence of the presiding judge.

John Goodrich being sworn—testified that he was deputy and acting clerk of Oakland county, in the November term, 1836. Grand and petit jurors attended. All but three attended on the first, and most of them on the second day. The business for that term was greater than the term before. Quite a number of recognizances and also of appeals sent up; does not know how many. Terms usually held there a week, sometimes longer. Business seldom finished in a week. This was before the election of associate justices, and none were in authority.

On a cross examination—thinks there was more business than usual at that term for the grand jury. There were appealed suits which were not entered, as the fees were not paid, but afterwards settled. The suit of Cole vs. Parmeter, he thinks was settled on account of there being no term. Suit vs. Sir Henry Harrington was ready for trial and afterwards settled.

In the third and fourth charges, no testimony offered.

In the fifth charge the defendant was not in office, as shown by the date of his commission, which was executed the eighteenth of July, 1836, and sworn into office the tenth of October, 1836.

The sixth charge having been read,

Noah H. Hart being sworn—testified that he was clerk of the county of Lapeer, in the April term, 1837; was absent at the

time of the term ; left the thirteenth of April ; term time the third Tuesday in April. Were four or five cases, two appeals and two original cases ; no recognizances.

On a cross examination, stated that the case were not entered ; no complaints to be entered to his knowledge ; two appeals one summons, one attachment, one capias, fees not paid in either of them ; issued a venire for a grand and petit jury ; S. D. McKeen was deputy clerk ; he told witness that he had informed Judge Morell that there was no business to come before the court, and that it would be an unnecessary expense to the county to hold the court ; information was given that there would be no court ; some of the jurors were summoned ; did not hear of any dissatisfaction ; McKeen gave information that there would be no court ; notice was given to the associate justices, but they did not attend ; McKeen said he had a personal interview with Judge Morell.

Minor Y. Turrell being sworn, testified that he came to Detroit about the time spoken of by Mr. Hart ; saw Mr. McKeen, who said he had advised the judge not to come ; witness remonstrated, and told him he had a deep interest in the court, as he had suits ; came to Detroit to induce the judge to go out and hold the court ; Judge Morell said that McKeen had stated that the holding the term was not necessary ; witness told him that McKeen had something to fear from the grand jury himself, if the court was held, and that his friends were in the same situation ; witness stated that he had two suits, and wanted to commence others ; stated to Judge Morell that we ought to have courts ; that McKeen misrepresented, and persons in that county felt aggrieved by it ; judge regretted he had not arranged his business so as to come ; said he was preparing to keep house and was sorry he could not arrange his business so as to go ; conversed with the judge some weeks before the time for holding court ; has heard several complaints owing to the court not being held ; cannot say whether McKeen has any civil suits.

Noah H. Hart called. Said McKeen was appointed deputy clerk some days previous to his going east ; do not recollect that Turrell was interested in any of the suits ; no cases on file in the office in which Turrell was a party ; was absent about ten weeks.

Minor Y. Turrell recalled. Several presentments were to be made to the grand jury ; Lapeer county seat is sixty miles from Detroit ; there were associate justices, but they did not attempt to hold the term ; had an attachment against Hill ; directed the suit to be entered ; had an appeal suit, but the papers were not regularly made out ; think there would have been criminal trials if there had been a court ; in the attachment case no notice published in the paper, but he thought that written notices had been posted up ; the seventh and eighth charges were admitted by opposite counsel.

On motion, adjourned until to-morrow at nine o'clock, A. M.

Wednesday, August 30, 1837.

Present—Messrs. WISNER, FELCH, ELY.

The proceedings of the previous meeting were read.

John Goodrich, being recalled, testified that he did not know how many criminal suits were pending at the last November term of court in Oakland county; stated that there were three persons confined in jail at that term; one for larceny, committed in Wayne county; the prisoner was apprehended in Oakland county; there were also two committed for horse stealing; offence committed in Wayne county and apprehended in Saginaw county, but were let out on their own recognizance by Judge Bagly, in the last of November or first of December; they had none of them been indicted; they were committed before the term time; there was no means for warming the criminal cells in the prison; thinks the offence of the prisoner confined for larceny was committed in the county of Wayne; he was retained until January, and was let out upon his own recognizance; says that there was also a prisoner confined at the November term for passing counterfeit coin, but was let out on his own recognizance. The cost to the county was over one hundred dollars for the term, on account of their being no court held there; knows of a number of complaints that would have been made to the grand jury, had the court been held; one of the witnesses has since deceased; the amount of over one hundred dollars has already been allowed by the supervisors, as expense to the county; two associate justices had been elected and taken the oath previous to the last May term; the associate justices could not act until the first of January afterwards, being elected in November; does not know of the old side judges refusing to act in their official capacity at any time previous to January last; don't know but cases of indictment are generally put over to the second term.

Minor Y. Turrell recalled—stated that a room had been fitted up; thinks by the county; the attachment before spoken of by witness was commenced for and returnable to that term; court was opened by Judge Fletcher one term previous; grand jury charged by him; as there was no counsel present, no business was done.

Jonathan R. White was called and sworn—Testified that the first court in Lapeer county was held in January, 1835 or 1836, by Judge Fletcher, but no court has been held there since; has been a great increase of court business since; witness interested as well as many other citizens, and that they have suffered for want of courts; has heard a number of individuals complain; witness had a conversation with Judge Morell before the October term, 1837, about holding court there; the sheriff at that time had removed out of the county; but there was a sheriff in April, 1837.

Thomas J. Drake recalled—Has been employed as attorney in suits pending in Lapeer county ; should have instituted them at the term in question, say twenty or twenty-five suits, but did not do it as it was said Judge Morell was not to be there ; was spoken to about some criminal cases ; most of them were misdemeanors.

John Goodrich recalled—Is a member of the bar of Oakland county ; was present during the May term, 1837, Judge Morell presiding, who appeared from the first to be very anxious to adjourn ; court commenced on Tuesday and adjourned on Friday ; thinks Morell left Monday after ; the recess at noon was for one hour ; the judge seldom came in until after the hour ; for three of the days of the term the court was delayed by his not coming in at the time ; on one day the court adjourned to one o'clock, and the judge did not come in until three o'clock ; in one instance, the associate judges commenced proceeding in a case in the absence of Morell, but objections being made denying their right of power, further proceedings were suspended ; the sheriff sent for the judge ; witness saw him when he came in and supposed he was affected by strong drink ; he appeared as men frequently do under the influence of liquor. Judge Morell observed that there had been some objections to the side judges acting, he wished to look at the statute ; he did so, and gave his opinion that the side judges had the power to hold the court and could act. Mr. Manning was counsel for the party objecting ; the cause was submitted to the jury, who were charged by Judge Morell. Before commencing the charge, he asked for some book containing a definition of a libel ; Kent's Commentary was handed to him ; at the close of his charge, which was brief, he stated that it was a small case ; he appeared very different to what he did in the forenoon ; his conduct appeared petulant, hasty and abrupt ; before the charge was given to the jury, one of the jurors wished to go out ; the judge directed the sheriff to give him in charge of an officer ; the defendant in the suit was deputy sheriff, and went out with the jurymen ; they went into a shed together ; the suit was witness vs. Benjamin Irish. After the judge charged the jury, they retired ; came in again and said they could not agree ; witness thought the judge uttered the last part of his charge in such a manner as to prejudice the plaintiff's rights ; it was a suit for a libel, relative to witness' conduct in a court of justice while acting as counsel ; the plaintiff's claim before the justice, was for docketing a suit, six and one-fourth cents ; the libel was brought on two papers filed in that suit, and hereunto annexed.

HORATIO N. HOWARD, Dr.

January, 1836.

To 5 hogs,	\$15 00
“ 1 bag of rye, bag and all,	2 00
“ 1 bushel of shack, that he, the said Howard, had for his said deputy clerk, John Goodrich, when provisions were scarce, when the said Goodrich could not get boarded any where else, because he would not pay your debt,	4 00
Is a mean puppy,	25
	<hr/>
	\$21,25
	<hr/>

HORATIO N. HOWARD,

TO BENJAMIN IRISH,

Dec. or January, 1836.

To 5 hogs,	\$15 00
“ Bag of rye, bag and all,	2 00
“ 1 bushel of shack, that the said Howard had for his said deputy clerk, John Goodrich, when provisions were scarce, when the said Good- rich could not get boarded any where else, because he would not pay,	4 00
(Signed,) BENJ'N IRISH.	

9th May, 1836.

Witness says there were two counts in the libel declaration; first that the paper filed was not proved at the trial of the suit. The jury did not agree in the libel suit. It is still pending. In reply to a remark of Mr. Richardson, counsel for defendant, and on motion to try the same case, Judge Morell stated on the bench, that it was not the practice to try a case at the term at which the jury disagreed, and that it was too contemptible a case to be tried, or words to that effect. Witness says that he thought Judge Morell under the influence of ardent spirits; thought so from his conduct as well as his appearance. He seemed very unwilling to attend to business, but did not refuse to do business. His countenance seemed flushed. Did not notice particularly his gait; but his appearance was such at that time as to excite remarks from persons present that he was intoxicated. Heard a number make the remark. Thought him very different from what he was in the forenoon. Thought his actions indicated the absence of the usual powers of his mind. Mr. Barber and Mr. Mercer have both expressed the opinion that Judge Morell was at that time under the influence of ardent spirits. States that he saw a notice of an insolvent case published in a paper, pending before Judge Bagley, but does not know whether it was before or after November.

On motion, the committee adjourned to two o'clock, P. M.

AFTERNOON SESSION.

Owing to the sickness of Mr. Ely, on motion, the committee adjourned until to-morrow, at nine o'clock, A. M.

Thursday, August 31.

Present—Messrs. WISNER, FELCH.

The committee stated that owing to sickness, Mr. Ely would not be able to attend.

Counsel for the respondent waived all objections to the absence of Mr. Ely, and that the present members of the committee, might proceed. The counsel for the respondent requested that the evidence of Mr. C. C. Hascall might be had without delay, as he was a public officer, and as his duties required him at his office, which was agreed to by the committee.

Charles C. Hascall called and sworn—testified that he had had a conversation with Judge Morell at Detroit about holding a court in Genesee county, a short period before term time. The judge said that some person had informed him that there was but little business to do there, and that the side judges could do it as well as to have him come out. He thought he should not go out. Did not tell the judge that it was not necessary for him to go out. Witness does not know of having any cases there himself; had an appeal case, but does not know of its having been entered, but directed the clerk to do so. Does not recollect of ever advising the judge not to go out and hold a court there. Was present at the May term of court in Oakland county, 1837. Boarded at Judge Bagley's, as also did Judge Morell. Saw nothing like intoxication in the judge. From the remarks witness heard, the judge appeared to have given general satisfaction. Was not present at the libel suit between Goodrich vs. Irish. Saw nothing in Judge Morell while in court, like petulance, hastiness or abruptness. Saw him several times in each day with the exception of one or two days. Does not think the judge could have been intoxicated without his observation, but he might have been. Heard the judge complain of being unwell at the time of the court. Witness thinks he arrived at Pontiac about the same time the judge did. Had no business before the court; was a mere spectator. Was not in court at the trial of Goodrich vs. Irish. Does not recollect the names of the parties in any of the cases before the court. Does not recollect how long before the term of court in Genesee county, that he had conversation with Judge Morell, but thinks it was a short time. The roads were bad and much broken up. Invited Mrs. Morell to come out with the judge, as they talked of going into the country.

John Goodrich recalled—stated that at the May term, Oakland county, several appeals were brought up after the first day of the term. Motions were made to enter suits appealed to this,

and also to the term previous. The judge intimated that they should allow to enter all such appeals, saying they should not adhere to the strict rule of the law. Application was made by affidavit to enter the suit, Coonly vs. Burt. The judge inquired the amount. It was said to be about seven dollars. The judge said that it was a small case, and ordered affirmance of judgment against appellant to be entered. The motion for affirmance was pending and argued at the same time with the motion for leave to enter the suit. The judge said there was a confusion attending the change from territorial to state courts; that parties did not seem to understand their rights and duties in cases of appeal; he therefore should be more lenient. Thinks both motions in the case of Coonly vs. Burt were pending when the judge made the intimation above mentioned. That was an appeal to the May term. Manning was for the appeller; Morgan L. Drake was the attorney for appellant. The two side judges were on the bench with the presiding judge. Does not recollect whether the side judges were consulted on the question or not. Does not know that Judge Morell knew that Irish went out with the juror in the case of Goodrich vs. Irish. Witness did not say any thing of it until after they came in. Cannot say that the sheriff ordered Irish to go. Does not know that Judge Morell knew Irish. Was present when the suit, Bailey vs. Taylor, was tried. The judge said he would rather pay the damages and costs in the case, than to sit and try it; said it was a very small, trifling case. It was an appeal case of trover for two bags. The case was tried; verdict was for plaintiff for two dollars, or thereabouts. Draper for defendant made application for a new trial, or motion in arrest of judgment, cannot say which. Was present on the trial of Forsyth and al. vs. Brown, Draper attorney for plaintiff, Richardson for defendant: action for slander. Thought the judge's conduct on the trial was trifling. There was no proof to sustain the charges. Nothing said by the court until after judgment of nonsuit. Did observe the judge laugh while the counsel opened the case. He asked Mr. Draper some questions as to the positions he took in the case. Don't recollect what was said. The charge was for accusing plaintiff with having committed adultery. Two witnesses only were called. Speaking of the words "not proved," witness meant the judge's general conduct in the case as trifling; noticed it from the commencement of the suit. Was present at the trial of the case, State of Michigan vs. Irish. During the examination of a witness, (thinks Mr. Wisner,) the judge remarked, "it will never do, it is a malicious prosecution." It was a prosecution for passing counterfeit money. Mr. Wisner was complainant. Saw nothing to induce the belief that it was malicious. Defendant was acquitted by the jury. Was present when Wisner was examined. Had been applied to as counsel

by Wisner. Wisner said on the stand, a five dollar bill was handed him by Irish. Newcomb said Irish handed the bill to him and he gave it to Wisner. The bill was in court, and was a very bad one; thinks it was on a Utica bank. Thinks all the witnesses were on the part of the prosecution, but is not certain. Wisner and Irish had been parties in business. Rood was a witness, and was clerk of the old firm. Rood said the bill was received in the store, and had been presented to the bank by him; also said the bill was taken from the drawer by Irish before the dissolution, and that Irish knew that it was a bad bill before that time. One count charged Irish with having the bill in his possession with intent to pass. It appeared from Wisner's testimony that Irish had passed it to him. It was given to Wisner on the settlement of their partnership affairs. It appeared from testimony that Irish had the whole charge of the money matters of the firm. The five dollar bill was taken by the firm. Objections were made to Wisner as a witness on account of his being the prosecutor and liable for costs. The question was reserved for decision and the witness examined. The witness thinks the side judges were on the bench at the time. Was not present at the termination of the trial; does not know the result. Thinks the remarks of the judge were made while Wisner was under examination. The facts above recited, at the time the judge made the remark that it was a malicious prosecution, were not, the witness thinks, before the court. Does not recollect that it was in proof at the time of the remark, (not afterwards,) that that identical bill was received by the firm. Wisner testified that there was a division of the money made at the time of the dissolution. The bill was passed to him by Irish. Thinks the remark of the judge was made near the close of Wisner's testimony. Was admitted to practice as attorney in 1832. Never heard such a remark from a judge on the bench before.

Thomas J. Drake recalled; was present at the trial of the state of Michigan vs. Irish, the testimony was, that Irish took from his pocket book the amount of thirty-one or thirty-three dollars, which he gave to Newcomb, and said that it belonged to him; Newcomb rejected it and said that it was not his but belonged to Wisner and Irish; in the division, Irish gave to Wisner the bill which was a counterfeit; it appeared it was taken by the clerk of the firm; that Irish took it to the bank and found it bad; Wisner was objected to as a witness in the case; his testimony was admitted, but the decision of the question was reserved; does not recollect hearing the remark of Judge Morell testified to by Mr. Goodrich; witness heard something which he does not recollect, but thought it would do his client no hurt; it was proved that the bill was brought into the room by Irish as part of the funds of the firm; said to be sold with other property to Newcomb, but as New-

comb did not claim it, it belonged both to Wisner and Irish; has been a practitioner at the bar several years; would not take notice of such remarks if it did not injure his client, otherwise he would reply to it; the prosecuting attorney wished to *do something* with the second count, does not recollect what; Judge Morell left the bench, and said if the prosecuting attorney wished to address the jury in opposition to his opinion, he might; he then took his hat and went out, thought he went out as he never saw a judge do before; thinks he did not return that afternoon; thinks the jury gave a verdict for defendant without leaving their seats; thinks the remark of the judge, whatever it was, did tend to benefit the cause of his client; the witness did not deem the cause a malicious prosecution; thinks the facts about the bill, partnership, &c. were in testimony at the time of the remark by the judge; it was proved that Wisner called on Irish, Irish refused to take the bill, said he knew it was a bad one; had it in possession before the dissolution; witness was counsel in the case of Wisner vs. Gantt; the order of the judge to file the affidavit was short and peremptory; Goodrich attempted to explain and the witness did the same; the judge cut us short; the motion to reduce bail was near the end of the term; witness did think it was for effect; the defendant and his counsel both stated that Gantt was able, but bail excessive; the sheriff had incorrectly taken bail in twenty thousand dollars; no reason in testimony or argument why the bail should be reduced; in the whole course of the proceedings Judge Morell appeared hasty and undignified. Judge Morell's conduct from the beginning to the end of all the proceedings in the case, appeared to me to prejudice the plaintiff's case; he said it was a trivial or frivolous suit, or words to that effect; this was said with reference to the suit and its merits; witness objected to arguing any with reference to the merits, but not as to his inability to give bail.

John Goodrich recalled—was present at the suit, Wisner vs. Gantt, a case of libel. Witness was attorney for plaintiff; Richardson for defendant. On motion of Richardson, witness was ordered to introduce and file with the clerk, the affidavit on which a *capias* was granted. Judge Morell refused to hear any argument on the part of plaintiff's counsel. Witness said that he had no objection to file the affidavit with Judge Paddock, who granted the order to hold to bail. Judge Morell refused to hear any explanation from witness. The bail was ten thousand dollars, and a motion was made to reduce the amount. On the motion being made, the judge remarked that it was a case of libel of every day's occurrence with political men. The judge refused to hear any argument on the motion, although attempts were made. The judge finally ordered the bail to be reduced to five hundred dollars.

Cross examined—Witness had the affidavit in his possession

until the time of the motion to order the same to be filed. Witness went after the affidavit reluctantly, and gave it to Judge Paddock. Thinks he said so to Mr. Richardson in court, but is not certain. A copy of the affidavit is hereto annexed.

STATE OF MICHIGAN, }
County of Oakland, ss. }

George W. Wisner being duly sworn, deposes and says, that he is a member of the House of Representatives in the legislature of the state of Michigan from the county of Oakland aforesaid, and that on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirty-seven, one Samuel N. Gantt, published of this deponent in the "Democratic Balance and Pontiac Advertiser," the following, to wit :

Your delegation in the lower House, from Oakland, is a disgrace, I had almost said, to the state. Mr. Burbank is the only man of good parts and ability among your delegation. He is quite a good reasoner and a respectable legislator ; and is, by the by, considerable of a democrat in practice. Mr. Wisner is the butt of the House. He reminds me of Gibbs, the pirate. Confusion strongly marks his countenance ; probably a conscientiousness of his rascality hangs heavily upon him. He is the least man in influence in the House. Wisner is prying into every man's character, and I learn he has found out the names of all the members of both houses, and intends publishing their pedigrees in the Pontiac Courier :

And by said publication has injured this deponent in his good name and reputation ; and by said publication this deponent believes he has sustained damages to the amount of ten thousand dollars.

GEO. W. WISNER.

Sworn and subscribed this 27th day of February, A. D. 1837, before me,

CHARLES DRAPER, *County Clerk.*

STATE OF MICHIGAN, }
County of Oakland, ss. }

I, Charles Draper, clerk of the circuit court of said county, do hereby certify the within to be a true copy of an affidavit on file in the office of said clerk, on which one Samuel N. Gantt was held to bail in a case of libel, commenced in said court at the suit of George W. Wisner, said affidavit having been filed as aforesaid, on the fifth day of May, A. D. 1837.

In testimony whereof I have hereunto set my hand, this first day of September, A. D. 1837.

CHARLES DRAPER.

Witness did state to the court that he was under no obligation to file the affidavit with the clerk. The judge peremptorily

ordered it to be filed, and would not hear any argument, nor even the full reading of the statute on the subject. The judge said that it should be with the clerk, as it might be the ground for an indictment for perjury. The order was on the back of the writ, but did not show where the affidavit was. It was the usual practice in Oakland county for the attorney to retain the affidavit. Has looked over the clerk's files, and found no affidavit of this kind there. On hearing the motion to reduce bail, an affidavit was filed by Gantt, which went to the merits of the case. The affidavit went to show that it was not a libel. Knows nothing of Gantt's means. It did not show so much of his inability to obtain bail, as his defence in the merits of the suit. Very little was said on the subject of Gantt's means. Gantt published in his paper, that the best men in that county had become his bail.

Thomas J. Drake recalled—was counsel for plaintiff in the case of *Wisner vs. Gantt*. Thought the application by defendant's counsel for an order for rule to bring in affidavit, badly founded. Thought the matter was not properly understood. Thought the conduct of the judge was undignified and uncourteous. Witness attempted to make explanation, but was not permitted by the judge. Thought the conduct of the judge tended to prejudice the plaintiff's case. No reasons were shown why Gantt should not give the amount of bail. Thought judge's remarks were detrimental to the merits of the case. His remarks of the suit were, that it was a frivolous matter. In the case of *Wisner vs. Irish*, it was shown that Irish knew the money in his possession to be counterfeit. One count in the indictment charged him with it.

John Goodrich recalled—In the trial, *State vs. Irish*, one count in the indictment was that Irish had counterfeit money in his possession, and knew it, with intention to pass it.

Benjamin Mercer called and sworn—was one of the petit jurymen at the last May term, in Oakland, 1837; says that Judge Morell came in late one afternoon, and that his appearance impressed the witness' mind that he was under the influence of ardent spirits; his gait and manner seemed feeble; did not know but he was unwell; never saw him drink ardent spirits; witness thought he despatched business more readily than it was usually done. After sitting about an hour, he appeared more enfeebled; thinks his conduct excited remarks; thought he left the bench very frequently. The judge passed directly by witness when he came in; thought he was in a feeble state or in liquor—some of the jurors mentioned it, but the observations of the jurors did not appear to witness important.

Alonzo Barber called and sworn—testified that he was present at the May term in Oakland county, 1837, as a spectator; was present in the afternoon when Judge Morell came in late; thought he was under the influence of ardent spirits; was there during

the trial of Goodrich vs. Irish ; left the court-house under the impression that the judge was under the influence of ardent spirits ; never saw the judge before that time. His appearance gave rise to general remarks that his absence was occasioned by intemperance ; thought he did not maintain his usual dignity ; appeared restless and uneasy upon the bench ; witness drew his opinion of the judge's situation as above stated from his personal observation.

Horatio James being called and sworn, testified—is clerk of the court of St. Clair county ; has been for three years previous to July last ; was present when Judge Morell presided at the October term in that county. The business of the term of the court was closed in a hasty manner ; told Judge Morell that the records were not properly brought up for signing ; judge told him to bring them up to his house ; witness heard the boat bell ring, thought boat about leaving ; went over to the judge's lodging with the records ; found the judge aboard the boat. The boat at that time did not run regular in her trips ; went up with the judge to the house, when he signed the records ; a number of cases on the docket, issues and parlanes, thinks fifty or sixty cases ; don't know how many cases there were ready for trial ; have a jail in that county ; thinks there were no prisoners in jail at that time ; had not entered any appeal cases for that term. The judge told him it was right not to enter them until the fees were paid. The court was closed in a very hasty manner, and created a good deal of dissatisfaction ; considers that individuals were subjected to additional expense, owing to the hasty manner in which the court was closed. When he took the records to the judge for signature, all the proceedings were up except one case ; does not recollect that he told the judge that the records were all up ; thinks he told the judge that one particular case was not included in the records, as he had not had time to bring it up ; crier ordered to adjourn the court, when several counsel were ready with motions ; no previous notice given that the court would adjourn when it did. The judge was solicited not to adjourn the court, as there was much business yet unfinished.

On a cross examination, stated he did not know but all the cases were tried that were ready. Judge stated that all cases must be ready at the second call ; did not hear on the second call, any ready for trial but what were tried ; does not think there were over two jury cases tried ; people felt indignant at the want of courts there, owing to the imperfection of the judicial regulations, and also the neglect of Judge Morell in not finishing the business before the court ; was in St. Clair at the April term ; business increased and a number of new cases for trial ; a punctual attendance at that term of witnesses, jurors and parties. The court was opened two days in succession, but Judge Morell did not

appear; had but one side judge in the county, one prisoner in jail for murder, who is yet in prison; he was committed in March; thinks the expense five hundred dollars to the county on account of there being no court held. St. Clair is fifty-five miles from Detroit. Complaint against the judge was not for acts, but for neglect of duty in not holding court.

Lorenzo M. Mason being sworn—testifies that he is a member of the bar of St. Clair county; was present at the October term, 1836; court commenced, thinks, on Tuesday; there was only one jury trial; number of motions before the court when it adjourned. Mr. Whipple was making a motion when the court ordered the crier to adjourn the court. Several motions were making when the court adjourned. Does not know that his clients were injured by the adjournment. The calendar was called over twice. Does not recollect that judge gave notice that at the second call all cases must be ready. Does not know of any cases in which the parties were ready but what were tried. Court adjourned on Thursday. The adjournment was hasty and unexpected. Witness expected the calendar would be called over a third time. There was great difficulty in getting witnesses and parties together. All seemed to think the holding of the court doubtful.

On motion, committee adjourned to half past seven o'clock.

EVENING SESSION.

Respondent's Defence.

Gideon O. Whittemore called and sworn—testifies that he is a member of the bar of Oakland county. Was present at the May term, 1837. Thought there were less cases for trial at that term than at the previous term. Was present at part of the trial of Goodrich vs. Irish. Did not hear Judge Morell remark during the trial that it was a malicious or trifling case. During the trial cannot say that Morell left the bench. Recollects at one time he went out; cannot say that it was during that trial; he returned soon. Was present when the question as regards the power of the side judges was argued. Saw Judge Morell when he came in in the afternoon. Thought his appearance seemed a little different; seemed to have been asleep; did not appear to be under the influence of liquor. Did not see him under liquor during the term. Asked when he came in court what was the difficulty that they could not go on. Thinks he looked at the statute to ascertain the power of side judges. Did not hear him say in his charge to the jury that it was a small case, but did hear him say so subsequently. Did not discover that he was hasty or petulant on the bench. Did not show any unwillingness to try cases that witness saw. Was present when application was made to try the case over; did not hear the judge say that it

was too contemptible or small a case for another trial. Was where he probably would have heard it if he had made such a remark. Did hear him say that it was trifling, on an application for a second trial. The trial was an action for libel. Did not perceive that the judge hurried business faster than usual. Thinks the business of the term was done to the satisfaction of the bar and the people generally. Recollects that there was a motion in the trial of Bailey vs. Taylor, to have judgment entered on the count in trover. Recollects but little about it. Considers it usual on application of some cases for trial, to say that it is a small case. Does not recollect that Judge Morell did or said any thing to prejudice the parties' rights. Does not recollect that the judge said he had rather pay the amount than try the cause. Recollects the case of Forsyth and Brown; it was an action for slander. Does not recollect the deportment of Morell at that suit. Recollects the case of State vs. Irish. Witness was counsel for defendant. Did not hear Morell say that it was a malicious prosecution. Was seated in the bar at the time; thinks he would have heard the judge if he had said so. Heard but one observation by the judge, and that was relative to evidence; the words were, "he thought counsel overlooked main points in the case." Did not discover any thing improper in the judge's conduct. Recollects the case of Wisner vs. Gantt. The first was a motion to rule Goodrich to bring in and file an affidavit. The affidavit of Gantt was read to the court, and it was said the first affidavit (to hold to bail) was needed. Goodrich contended he was not obliged to file the affidavit. The judge ruled that he was, and said if it was not produced, he should discharge defendant on common bail. Goodrich went after the affidavit very reluctantly. It was brought in and filed with the clerk. It was read, on motion to reduce bail. On the motion to order the first affidavit to be produced and filed, the judge did not seem disposed to hear much; was prompt and positive. Does not know of judge refusing to hear any explanation from Goodrich for not bringing in affidavit. Said there could be no excuse for not producing it. Goodrich said if Judge Paddock wanted it, he could have it. Heard Judge Morell say, on the two affidavits being read, that it was a political newspaper squabble. In the case of State vs. Irish, the verdict was, not guilty. Wisner testified that the bill then in question was delivered to him by Irish. The other witnesses said that the money was partnership funds of Wisner and Irish; that it was divided between them by Newcomb, and this bill was given to Wisner. Understood that it was put into Mr. Newcomb's hands to be divided; he gave to each his proportion, one sitting on one side of him, the other on the other side. Judge Morell remarked that the prosecution could not be sustained; the reason was that it was partnership property. The prosecuting

attorney said something about going to the jury. The judge said if he was disposed to go to the jury, contrary to his opinion, he might. There was nothing to prevent his arguing the case to the jury. Do not recollect that the judge went out after the remarks. Heard Judge Morell complain several times during the term of being unwell. Saw him the first evening after his arrival, and heard him then complain of being unwell. Thought he appeared so at the time when he came into court as before stated. There was much business done at that term. No unwillingness to finish the business expressed on the part of the judge. Went through the docket twice. Don't know that he went through the criminal docket. The judge said several times if any case was ready, they would take it up. Does not recollect any business that could not be done. Before the judge came in in the afternoon, a number of persons expressed the opinion that he was intoxicated. The judge appeared anxious to dispose of business, but did not discover any improper haste; thought it was disposed of faster than usual, and well.

On a cross examination—stated that the remark by the judge about the counsel's overlooking the material points, was the strongest expression heard by witness; it was after several witnesses had been sworn and examined. Wisner testified that Irish paid the bill to him, and Newcomb that he handed it to Wisner on a division of the partnership money. Were two counts, witness thinks, in the indictment; in one of the counts, stated that Irish had counterfeit money in his possession, knowing it to be such. Thinks the fact was shown. In the trial of *State vs. Irish*, was present all the time.

Rial Irish was called and sworn—testified that he attended the May term in Oakland county, 1837. Thought the judge on one day appeared debilitated; if he had not heard it so said, should not have thought him intoxicated. Thinks Wisner remarked that the judge was down at Bagley's drunk, and that was the democracy of the country. Should not suppose from judge's appearance when he came in, that he had been drinking. Witness remarked if he had been drunk, he had been to sleep and slept it off, for that he walked as steady as a deacon. Business did not seem to be hurried in court improperly. Witness was defendant in the case of *State vs. Irish*. Did not hear the judge say that it was a malicious prosecution. Thinks he was near enough to have heard it, but is certain if any thing of the kind had been said openly he should have heard it. Wisner stated that witness did tell him that he knew the bill was bad. Newcomb said that the bills belonging to the firm of Wisner & Irish, (thirty-one dollars,) were divided by Newcomb, and that bill was given to Wisner, and was handed to him (Newcomb) by Irish; the money was in Newcomb's possession twenty or thirty minutes. Mr. Drake was

speaking to the judges on the question of their powers to proceed with business. More than half the people left the court-house before Judge Morell came in. No unusual noise or talk in the court until the side judges decided that they had no power to proceed; then there was much talking and laughing. In the trial of State vs. Irish, Rood testified that he thought it the bill taken in the store, and that it was taken from the draw and put into the pocket-book, and that Irish had it in his possession. Witness thinks Wisner made the remark that the judge was drunk, but is not certain; it was in the court-house that the remark was made; does not know to whom it was made. Witness would not swear positively that Wisner was in the court-house at the time of the remark above stated. Cannot say that he then knew who made the remark.

On motion, the committee adjourned until to-morrow, at eight o'clock, A. M.

Saturday, September 2.

Present—Messrs. WISNER, FELCH.

Alonzo Barber recalled by the committee—was present at the trial, State vs. Irish; heard Judge Morell remark that it was a malicious prosecution. While a witness was on the stand, Judge Morell took his hat and went out. Was near enough to hear, and thinks he could not be mistaken in the expression. Witness' impression was that the remark was not addressed to any one in particular, but if to any one, it was to the side judge; it was near the close of Wisner's examination. His conduct in leaving the bench was such as to attract general attention; witness cannot tell whether he returned. Thinks the judge did not charge the jury in the case of State vs. Irish; the jury did not leave their seats. Thinks the case of State vs. Irish, and Goodrich vs. Irish, were not tried on the same day.

Amasa Bagley called and sworn—testified that he was in Pontiac last May term in Oakland county. Judge Morell boarded at witness's house; was there regularly. Witness don't know that he discovered that Judge Morell was under the influence of liquor during the term. He complained of being unwell; had a diarrhoea. On the afternoon of one of the days, he went to the court-house, remained about an hour, and then came back to witness's house; said he was unwell and laid down upon the bed. He lay about two hours, when he was sent for to go to the court-house. He got up, and after walking the room a few minutes, took a little brandy and sugar and went to the court-house. He took but little brandy at the time, and spoke of his complaint; his health seemed to be feeble. Witness does not recollect what day this was. Thinks he was gone to the court-house about an hour. Witness saw the judge constantly. Did not observe that he

was under the influence of ardent spirits; others might have observed it. Witness does not think he would have observed it so soon as some others might. Witness was in the court-house but once, then only about ten minutes, during the term; it was during the time of the case, Goodrich vs. Irish. Thinks it was not the same day when the judge laid down as before stated, but cannot say positively.

Benjamin Irish sworn—attended the May term, 1837, Oakland county; was a deputy sheriff; was in attendance during the whole term. Witness did not think of Judge Morell being intoxicated until it was said that he was drunk at Judge Bagley's; this was before the judge came in on the afternoon of the day when the suit, Goodrich vs. Irish, was tried. Witness observed the judge particularly when he came in; did not think him intoxicated; he did not exhibit any intoxication in his gait. The remark that the judge was drunk at Bagley's, was made by Mr. Wisner. It was also made by others; some remarks made about its being "democratic." There was some shouting and laughing when the remarks were made. Witness was not acquainted with Judge Morell previously. Witness heard it said that the business of court was done at that term more promptly than usual, and appeared to give satisfaction. When the judge came in he asked what the fuss was. Witness did not think him under the influence of liquor, but he seemed anxious to dispatch business. When the suit, Goodrich vs. Irish, was on trial, and a motion was made to try it a second time, the judge remarked that he did not think such a case ought to be tried at the same term after the jury had disagreed on it, and that it was not usual in such cases to try again at the same term. In the suit, State vs. Rial Irish, witness was present, but did not hear the judge say "it was a malicious prosecution." Was so situated as to hear if he had said so aloud, but he might have said so to the side judges without witness hearing it. Was present when the motion to reduce bail was made in the case of Wisner vs. Gantt. Mr. Goodrich refused to bring the affidavit on which the order to hold to bail was made. He said the court had no right to it, but said nothing in witness's hearing about Judge Paddock. Judge Morell said something about letting the defendant out on common bail unless the affidavit was produced. The conversation about producing the affidavit continued nearly a half an hour, and Mr. Goodrich, by direction of the judge, then obtained the affidavit; it was read in court on hearing the motion to reduce bail.

The following questions were propounded to the witness, and the question of the propriety of answering was by the committee reserved: 1st. Did you hear any of the suitors at the last May term of Oakland county threaten Judge Morell with this investigation in consequence of having given a decision against them?

2d. Did you hear any threats from any person during the May term of the circuit court at Oakland or afterwards, against Judge Morell, and what were those threats?

Witness was there soon after the side judges took their seats on the trial of Goodrich vs. Irish. The question as to their authority to proceed, was raised by Mr. Drake or Mr. Manning. There was considerable noise and confusion before Mr. Drake began to argue the question before the side judges. Judge Pad-dock said he should like to see the law on the subject; it was read by Mr. Drake. Mr. Wisner was in the court-house. It was nearly three o'clock when Judge Morell came in. Many of the spectators had then left the court-house. Witness went out with a juror, directed by the sheriff, on the suit in which he was a party; does not believe that Judge Morell knew who went with the witness.

Daniel Le Roy being called and sworn—testified that he was not present at the May term of the court in Oakland county, 1837. Witness saw Judge Morell out of the court-house several times during that term; he complained of being unwell, and appeared to be out of health. Witness does not recollect the day when he was said to have gone late into court; he did not appear to witness at any time during the week, when he saw him, to be under the influence of ardent spirits; he was on one occasion asked to drink, but declined on account of his ill health. Witness heard it remarked by two persons, that the court was never better held than at that term. Heard the judge remark on one evening that he was too unwell to sit on the bench. Witness heard Wm. F. Mosely say to Judge Morell that there was no business that would require his attendance in Genesee county, at the April term, 1837; this was a short time previous to the time for holding the term. The roads were bad. Mr. Mosely resides in Saginaw county, and is an attorney, but does not recollect when he last saw him in court. Witness spent only one evening with Judge Morell during the May term in Oakland county, but saw him at several other times.

Samuel N. Gantt called and sworn—testified that he was defendant in a suit entered at the May term of the court in Oakland county, 1837; was held to bail in the sum of twenty thousand dollars; the capias, however, required bail only in the sum of ten thousand dollars. Witness filed an affidavit stating that Wisner, when witness was a stranger, had circulated a report that he had put his property out of his hands to defraud his creditors; that Wisner had circulated reports about witness prejudicial to his character, and had published such reports in the Pontiac paper against him, which were false, and had caricatured witness in the Detroit papers, and that it was inconvenient for witness to give bail in the amount required, and that the bail was

excessive. Witness is not certain as to the last expression. Does not recollect whether this affidavit was read to the court, or by them, or either. Witness filed no other affidavit. The affidavit on which the order to hold to bail was made, was also produced by Mr. Goodrich. Goodrich objected to bringing in the affidavit until the judge decided that it must be produced and put on file. Mr. Goodrich expressed more willingness to give it to Judge Paddock than to Judge Morell, as witness thinks. Was present at the trial of Goodrich vs. Irish; heard Mr. Drake's remarks on the subject of the powers of the side judges. Before Judge Morell came in in the afternoon, it was said by Mr. Wisner that the judge was drunk at Mr. Bagley's. When the judge came in he seemed displeased; took off his hat near the door and brushed up his hair; he inquired what the matter was. Witness did not see, during the term, any appearance of intoxication, but Judge Morell did appear to be out of health. Witness was not present every day during the term. Thinks the general impression was that the business of the term was well conducted. In the case of State vs. Irish, witness was present; did not hear Judge Morell say that it was a malicious prosecution. Witness heard him say that the counsel had overlooked the main point in question, viz: in regard to the money being partnership money. Witness took minutes in this case, and also in the case of Goodrich vs. Irish, for publication, and was near enough to hear any remarks from the judge in his ordinary voice; but thinks something was said during the trial, by Judge Morell to Judge Paddock, which was in so low a voice that witness could not hear it. Witness did not attend court until Wednesday or Thursday. The case of Goodrich vs. Irish, commenced on Thursday or Friday. Before Judge Morell came in, the side judges had the court opened; after some conversation they suspended proceedings. Thinks they had commenced a trial before the question was raised, but cannot say whether a division was made on the question of the power to proceed or not.

Ransom R. Belden called and sworn—testified that he was present most of the time at the May term of the Oakland county circuit court, 1837. Witness took particular notice, on account of some remarks, but did not see any thing in Judge Morell to lead to the belief that he was under the influence of ardent spirits. Was in court when Judge Morell came into court later than usual, in the afternoon; witness thought he looked more feeble than usual; heard him say to Mr. Drake he was unwell; did not think him intoxicated. In the case of State vs. Irish was present; heard no remark from Judge Morell that it was a malicious prosecution. Was near enough to hear, had it been made in the judge's ordinary voice; it might have been in a whisper without witness's observing it. When the judge came in in the afternoon above mentioned, he put up his hand to his hair and made some good-

natured remark to Mr. Drake and took his seat on the bench ; the judge appeared pleasant. Was present at the trial of Forsyth vs. Brown ; the plaintiff's witnesses knew nothing about the case. Witness observed the judge smile when they gave their testimony. During the term the judge conducted business with dispatch ; faithfully, promptly and impartially, as witness thought.

Theron W. Barber sworn—testified that he was present at the May term, Oakland county, 1837 ; was not constantly in attendance. Witness was present the afternoon when Judge Morell came in late. Witness's attention was drawn toward him from the fact that it was remarked that he was at Bagley's, drunk. He did not seem to witness to be under the influence of liquor when he came into court. Witness has heard no general complaint against the conduct of Judge Morell at that term ; thinks general satisfaction was given. Was present at the trial of State vs. Irish. Witness did not hear any thing said by Judge Morell as to its being a malicious prosecution. Witness heard Wisner give his testimony, but heard no such remark from the judge ; was near enough to hear distinctly, and thinks he must have heard it if it had been made.

David Paddock being sworn—testified he was at May term of the court in Oakland county, 1837, as one of the associate judges. Witness had formed from report a strong prejudice against Judge Morell ; that prejudice continued until witness became acquainted with him at that term. On the first day he became acquainted with the judge, he found his prejudices unfounded. Witness dined with the judge every day during the week, except on the trial of the case, Goodrich vs. Irish. The suit was commenced before noon ; the judge complained that day of being unwell. The judge at noon requested witness to charge the jury. Witness declined, but said he would go and preside during the argument of the case in the afternoon, the judge saying he was too unwell. In the afternoon witness went up, and with the other associate judge opened the court ; the case was then resumed. Mr. Richardson made some remarks to the jury in the case of Goodrich vs. Irish. The question was raised as to the right of the side judges to proceed, by Mr. Goodrich ; some argument took place on the question ; no decision was made, but proceedings were suspended. Judge Morell was then sent for. Witness was asked by Dr. Thompson where Judge Morell was. Witness said he was sick, and was then asked if he was not liquor-sick. Witness should have thought so, but said he had seen him and thought that was not the case. When he came into court he appeared to have been asleep, and to a mere spectator might have appeared to have been taking ardent spirits ; but witness is satisfied that he was not under the influence of liquor. The first day of the term several persons drank gin at Judge Morell's ; did not see Judge

Morell drink spirits again until the last day of the term, and after court was adjourned. In the case of the State vs. Irish, Judge Morell said to witness that it was a malicious prosecution—this was intended for witness' ear only, but witness observed that some individuals at the bar also heard it. The expression was used by Judge Morell twice. This remark was made the second time after the testimony relative to the partnership had been given in the case of Goodrich vs. Irish. The jurors were called in the afternoon; they had been empaneled before the recess, and had heard the testimony of the witnesses and the remarks of Mr. Manning. When Judge Morell came in, he appeared as usual, only more feeble; he did not appear to be displeased. Had witness been a mere spectator, and not known his ill health, he would have supposed Judge Morell affected by liquor. This opinion would have been formed from former prejudices. Judge Morell left the court during the trial of State vs. Irish; went out in a hasty manner as he was unwell; said he could not stay any longer to be griped. His remark to the prosecuting attorney that he might argue if he pleased to the jury, was made in a pleasant manner; was absent about ten or fifteen minutes; the side judges doubted their authority to proceed without the presiding judge.

On motion, the committee adjourned until half past two o'clock, P. M.

AFTERNOON SESSION.

Alphonzo B. Newcomb being called and sworn—testified that he was a witness at the May term in Oakland county, in the suit of State vs. Irish; testified then that he bought out the share of Mr. Irish in the grocery of Wisner and Irish, and was to become a partner with Wisner. There was thirty-one dollars in Mr. Irish's pocket book belonging to the firm. We discussed the question to whom it belonged, and finally concluded that it belonged to Wisner and Irish; witness divided it between them. Mr. Wisner took his money after some time and put it into his pocket. Mr. Irish, as appeared in testimony, took out the money, counted it, and said it belonged to the firm of Wisner and Irish; it was in witness' hands but a few minutes and only to be divided. It was in testimony that Wisner called on Mr. Irish and offered to lose one-half of the five dollar bill if he would the other, and that Irish said that he had been too long in Michigan to do that. The above was the testimony of Mr. Wisner. Witness saw Judge Morell when he came into court late in the afternoon; thought he was affected by liquor, but does not think he should have observed it unless his attention had been called to it by a report that he was in a state of intoxication, and thinks he formed his opinion more from hearing that report than from his appearance. His appearance at the time above mentioned was such as to confirm that report in witness' mind.

Charles Cleland called and sworn—testified he remembers Judge Morell was sick about the term of the Oakland and Maccomb courts, in the fall of 1836; saw him soon after he got about again. He appeared to have been quite sick; was said to be dangerously so. At the November term in Wayne county, Judge Morell was unable from indisposition to hold the whole term, and Judge Fletcher presided part of the time; does not know what his disease was.

William Draper called and sworn—testified he has been a practising attorney in Oakland county for the last three or four years; was there at the last May court, but was not constantly in attendance; saw Judge Morell often, cannot say he saw him under the influence of liquor; he appeared impatient and anxious to get through with business, but as Judge Morell had complained of indisposition, viz: a diarrhoea, witness attributed it to that: without this knowledge, witness should have thought it probable that his appearance was a relaxation produced by stimulating drink; recollects that several cases of appeal were allowed to be entered after the first day of the term—so of some cases appealed to previous term. Witness recollects the case of *Bailey vs. Taylor*, and was attorney for defendant; the judge said he had rather pay the amount than to try it again that term. This was said in a hurried manner, and on the hearing of a motion in arrest of judgment, or to apply the judgment to a part only of the declaration. Was in court during the trial of the case of *Forsyth and al. vs. Brown*; did not see any thing like levity in the treatment of that case on the part of the judge. It was a suit for slander, but nothing was proved by the plaintiff's witnesses; witness was plaintiff's attorney. The court might have indulged in such levity, but witness did not observe it; was engaged part of the time in reading the declaration to the jury.

John L. Talbot called and sworn—testified that he was at the Oakland court in May last, and boarded with Judge Morell; the judge complained of indisposition and appeared unwell; witness saw nothing to induce him to believe him under the influence of ardent spirits; is intimately acquainted with Judge Morell. There was a bottle of gin in the room, but little of it was drank; business was despatched promptly by the judge during the time witness remained, which was the two first days of the term; the suit, *Forsyth vs. Brown* was tried while witness was there; observed nothing like levity on the part of the judge during the trial. In the autumn of 1836, Judge Morell was confined some time by sickness.

William Terry called and sworn. Testified that he was present at the Oakland court, May 1837; witness did not observe that Judge Morell was under the influence of liquor during the term; was there during the trial of the case of *Goodrich vs. Irish*;

was with the judge one morning, heard him refuse to drink and said he was unwell; witness went to the judge's room on Tuesday evening with the sheriff and some other persons; witness went out and obtained some liquor; all who were present drank at the sitting room in Judge Bagley's house.

William F. Shepard sworn. - Testified he is deputy clerk of St. Clair county; at the fall term, 1836, court commenced on Tuesday and adjourned on Thursday; there was business on the docket which remained unfinished. Mr. Witherell or Mr. Whipple said about the time of the adjournment that he had a case ready for trial and his witnesses were in court; witness thinks the time of holding court was rather too short to finish the business; there was much haste in endeavoring to get motions granted at about the time of adjournment; the calendar was called over once, and witness thinks, twice; does not recollect that it was said that the second call would be peremptory; witness cannot tell whether the court had discharged the jury before it was announced that a case was ready for trial as above stated; thinks it was about the same time; does not know that both parties were ready in the case; no objections, however, were made.

On motion, the committee adjourned until Monday, at nine o'clock, A. M.

Monday, September 4.

Present—Messrs. WISNER, FELCH, ELY.

Benjamin F. H. Witherell sworn—testified that he was at the St. Clair court in October last; the term commenced on Wednesday morning and adjourned Thursday afternoon; Judge Morell did not, in witness' opinion, continue long enough for the business of the term; parties were not as ready as usual on account of the court not arriving at the usual time; many of the cases were not necessarily ready, and were postponed. In the afternoon of the last day, Judge Morell determined to go down to Detroit in the Erie, instead of waiting for the Gratiot; thinks on that account the business was hurried through sooner than it ought to have been; witness had got through with his own business in court; the judge complained of being unwell; thinks they depended on the boat for conveyance, and there was no fault on the judge's part in not arriving at St. Clair so as to open the court on Tuesday. At the spring term in St. Clair, the roads were so bad that there was no travelling by land, as witness was informed, and he informed Judge Morell; several attorneys, &c. went on board a boat to go up; went about a dozen miles when the obstruction by the ice compelled the boat to return. In the fall term witness thinks there was some business that might have been done had the judge

held the court open longer; thinks there was a cause ready for trial at the time of adjournment; it was after the grand jury was dismissed; Mr. Whipple was the attorney who asked for a trial; thinks he (witness,) was on the other side, but said nothing for or against proceeding to try the case in question; was told that the case was not on the docket; it was expected that the court would adjourn that night; but thought the adjournment at the time was hurried; if there had been a court on Tuesday, thinks that all the business could have been disposed of by the time the court adjourned; in Wayne county, November term, 1836, there were on the docket, one hundred and fifty-nine issues, one hundred and seventy-eight imparlances, ninety-four criminal cases; on the docket at the May term, 1837, there were nearly 500 civil cases. It is a standing practice of the court in the first circuit, to call the docket twice, the second of which is peremptory; the bar have not to witness' knowledge had occasion to find fault with Judge Morell as a fair and impartial judge, he has exhibited a desire to have all causes ready for trial and to dispose of the business before the court; his conduct has been marked with fairness, impartiality and integrity in the discharge of his duty as judge in Wayne county; general satisfaction has been given in his decisions; at the second call of the calendar at the St. Clair court, all cases were disposed of as they were called; there were however some cases that would have been ready for trial in the course of the afternoon; there was but one trial during the term.

Samuel D. Woodworth sworn—testified he attempted to go up to St. Clair from Detroit in company with Judge Morell and several attorneys, in a boat, on the first of April, 1837; found it impossible on account of the ice; went as far as Hudson's about twelve miles from Detroit, and were under the necessity of returning. The roads were said to be impassable.

Caleb Buckman sworn—testified that he acted as sheriff at the May term in Oakland county, 1837; witness did not see any thing in the conduct of Judge Morell of an improper character; heard no complaints as to his conduct, except from a few persons who were parties in court; heard the judge complain of being unwell on the day of the trial of the case of Goodrich vs. Irish; thinks the judge conducted the business of the court in a fair and impartial manner. Witness attended the court every day during the term; saw no signs of intoxication in the judge while there. At the time of the case of Goodrich vs. Irish, witness went after the judge, and met him about half way coming up. Judge complained of being unwell.

The following statement was drawn up and presented by respondent's counsel, and received by the committee as evidence.

In compliance with the request of the committee, I make the following statement.

On the Monday morning preceding the first Tuesday of April last, immediately after breakfast, I called on Judge Morell at his lodgings in Detroit, in relation to some unfinished business of the late land board of Detroit. I found Judge Morell making preparations for his immediate departure for the county seat of St. Clair. He had his baggage ready, and I went with him to the boat, saw him take his passage and depart with the boat for St. Clair county in company with Messrs. Witherell, Whipple, O'Keefe and Hand, attorneys who usually attend the courts at St. Clair. The next day I saw Judge Morell and Mr. Whipple, who stated that the boat was stopped ten or twelve miles above Detroit by the ice, and was compelled to return.

I understood at the time from several citizens that the road from Detroit to Palmer was either impassable or almost impassable. The street in front of my house which leads to the Mt. Clemens road, was at the time in a bad condition for wagons or horses.

ROSS WILKINS.

Detroit, August 31, 1837.

The committee decided that certain questions propounded by respondent's counsel, the decision of which was reserved, are inadmissible for the following reasons:

The question involves, in our opinion, two considerations:

1st. Shall the respondent be allowed to prove that the complainant was instigated from malice.

2d. Shall or shall not Judge Morell be allowed to show any act of any of the witnesses, that will go to their credibility, and put such questions as will show a combination against him, and consequently account for his conduct.

On the first, I incline to the opinion he ought not to be allowed, for he is not now on his trial, and the complainant has not been sworn.

On the second I am clearly of opinion he has the right.

The following statement was presented by the committee, and admitted by respondent's counsel.

In the books of the state of Michigan, there is a credit to the state treasurer of a warrant for cash paid George Morell for his services as associate justice of the supreme court up to the 1st October, 1836, \$301 03.

I certify that the above is a correct entry made in the books of this office in the case of George Morell.

Detroit, 31 August, 1837.

ROBERT ABBOTT,

Aud't Gen., S. M.

On motion, the committee adjourned until November the 3d inst.

The chairman having prolonged the time of the meeting of the committee to the 7th, the committee met at Detroit, Nov. 11th, inst.

Present—Messrs. WISNER and FELCH, and counsel for respondent, Mr. A. S. Porter.

Mr. Ward having resigned his seat in the House of Representatives, Mr. Bingham of Livingston was appointed to fill his vacancy in the committee, who appeared and took his seat.

Evidence in behalf of the committee.

Joseph G. Farr sworn—testified he is acquainted with S. N. Gantt of Pontiac, has heard his character for truth and veracity doubted by many persons, has known him about a year, to the best of witness' knowledge and belief, aside from political feeling, his character is bad, and is not to be depended upon.

On a cross examination, thinks he has heard his character for truth and veracity doubted from motives other than political; witness had a personal altercation with Gantt about a year ago, no blows were had, thinks they are now on good terms, thinks some of the reports prejudicial to Gantt's character do not arise from political animosity; has heard his political friends express doubts of his veracity as not to be depended upon; witness is acquainted with Benjamin Irish, has known him for about a year, thinks his character for truth and veracity, aside from all political feeling, is bad; has had no personal difficulty with Irish, but thinks him such a man as he would not wish to associate with; was present at the last April term of court in Pontiac, witness saw Judge Morell in the street and thought him under the influence of liquor, witness' attention was attracted by his gait, thinks it was some time in the afternoon, witness thought he manifested some difficulty in walking straight.

Charles I. Burdell sworn—testified that he is acquainted with Gantt, has known him about twelve or fifteen months, witness thinks his character for truth and veracity is very bad; witness is a resident of Pontiac, he has resided there about two years. On a cross examination, stated that he is on friendly terms with Gantt, has never had any personal altercation with him; his bad character is given to him by men of all parties on general subjects; thinks his character for truth and veracity is bad, not only in times of political excitement, but at other times; thinks part of his bad reputation for truth and veracity arises from political feelings; witness is acquainted with Benjamin Irish; thinks his character for truth and veracity is worse than Gantt's; thinks his character for truth and veracity is notoriously bad; witness has known Irish about two years; has been concerned in a litigation with Irish in a matter where he had pledged his honor to pay, witness has never had any personal altercation with Irish.

John B. Davis sworn—testified that he is a resident of Pontiac; has resided there for twelve months; witness is acquainted with S. N. Gantt; thinks his general character for truth and veracity is very bad; thinks from the remarks made by others, aside from political feeling, that there is no dependance to be

placed upon him; witness is acquainted with Benjamin Irish; thinks his general character for truth and veracity is very bad; witness has never had any difficulty with Irish.

William S. Driggs sworn—testified he has resided in Pontiac for three years; is acquainted with S. N. Gantt, thinks his character for truth and veracity is notoriously bad and subject to general remarks. On a cross examination, stated: is not personally acquainted with Gantt; his bad character is given to him as well by political friends as enemies; witness is acquainted with Benjamin Irish; thinks his character for truth and veracity is very bad; witness is acquainted with Rial Irish; thinks his character for truth and veracity is very bad.

William Mevethew sworn—testified he is acquainted with Rial Irish; has known him about four years; thinks his character for truth and veracity, at his former residence in West Bloomfield, to have been very bad; thinks he resided there about two years ago; witness has known him since his residence in Pontiac; witness' wife is cousin to Rial Irish, and would like to screen him, but cannot; is acquainted with Benjamin Irish; thinks his character for truth and veracity is very bad; witness was acquainted with Rial Irish in the state of New York; thinks his character was worse there than since his residence here.

Stephen Chafey sworn—testified he has resided in Pontiac and adjacent for three or four years; is acquainted with Benjamin Irish; has known him for three years; thinks his character is very bad.

On motion, the committee adjourned to the 14th instant.

Tuesday, November 14, 1837.

The counsel for respondent not appearing present,

On motion, the committee adjourned to meet at the capitol tomorrow, at two o'clock, P. M.

Wednesday, November 15, 1837.

Present—Messrs. WISNER, FELCH, ELY, LOTHEROP and BINGHAM.

Morgan L. Drake was called and sworn—testified that he was present at the last May term of court in Oakland county; witness recollects the suit of the State vs. Irish; heard Judge Morell make some remark that was not customary in cases generally; he asked the bar what was the meaning of the word shack; after the jury had returned on an application for a new trial, the judge remarked it was a small case; witness thinks the judge

made a remark something like being a contemptible case. The jury in the case did not agree ; witness is a member of the bar ; remembers the case of Goodrich vs. Irish, for slander ; remembers Judge Morell stated that it was not usual to try cases of slander a second time the same term ; remembers the trial of the State vs. Irish ; heard Judge Morell make an improper remark ; heard him say that it was a malicious prosecution. It was in proof that Irish had the money in his pocket some time, knowing it to be counterfeit. Witness does not know what the verdict of the jury was. After the decision of the judge, the prosecuting attorney expressed a wish to address the jury. The judge told him if he wished to do it contrary to the opinion of the court, he might ; recollects the judge leaving the court-house ; does not know that he returned. It was in proof that Irish admitted he had counterfeit money in his possession. Mr. Rood, in testimony stated that the counterfeit bill was received in the store. Witness thinks the verdict of the jury under the direction of the judge was *not guilty* ; thinks when the judge left the court he returned immediately ; witness did not see any thing in the course of the proceedings of the prosecution that seemed like a malicious prosecution ; did not see the judge drink any ardent spirits. Witness was of the impression when the judge came in late in the afternoon that he was under the influence of ardent spirits ; thought so from the appearance of his face, which was red ; thinks he was hasty and his conduct tended to hasten the course of proceedings ; thinks his haste was such as to retard the progress of the case ; witness thinks the charge of the judge to the jury in the case of Goodrich vs. Irish was delivered with firmness ; witness heard Messrs. Goodrich, Wisner and Esq. Draper express the opinion that it was unsafe to bring any cause before the present court. Witness has lived in Pontiac seven years ; is acquainted with S. N. Gantt ; thinks his character for truth and veracity is doubtful. Witness has heard Charles Draper, county clerk, and Mr. Lockwood, express the opinion that they thought Gantt had perjured himself. Witness would not believe Gantt on oath where his interest or prejudice was excited. Aside from all political feeling, his character for truth and veracity is bad. Witness is acquainted with Benjamin Irish ; thinks his character for truth and veracity is very bad ; witness has heard Gantt say he would do all he could to defeat Wisner in the prosecution against Judge Morell. At the time alluded to by witness, when Judge Morell came in in the afternoon, was the time when the question arose as to the power of the side judges to proceed ; witness thinks if he had never seen or heard of Judge Morell before, he should have supposed when he came in he was intoxicated. No exceptions were taken at the time of the suit of Goodrich vs. Irish, by

the defendant in the charge of the judge; witness heard the members of the bar express the opinion that the conduct of the judge was improper

On motion, the committee adjourned to Wednesday, the 22d instant.

Wednesday, November 22, 1837.

Present—Messrs. WISNER, ELY, LOTHROP and BINGHAM.

Mr. Wisner presented a copy of an indictment against Rial Irish, and moved the same be incorporated in the proceedings.

On motion of Mr. Lothrop,

Resolved, That the copy of the indictment against Rial Irish now before the committee, be filed with the papers of the committee as a matter of reference in making up the report.

Rebutting testimony adduced in behalf of Samuel N. Gantt, Rial Irish and Benjamin Irish.

Elijah Cook sworn—testified he lived in Oakland county; is acquainted with Samuel N. Gantt; has known him for twelve or fifteen months; thinks his character for truth and veracity is good; witness is acquainted with Benjamin Irish; thinks his character for truth and veracity is good; is acquainted with Rial Irish; witness has been personally acquainted with him for about six months, but has known him by reputation for four or five years; witness thinks his character for truth and veracity is good,

On a cross examination, witness stated he resided within twenty-two miles from Gantt's place of residence. Witness is frequently in Pontiac; does not know what the citizens of Pontiac may have said relative to Gantt's character, but witness never heard any thing contrary to its being good; witness is a personal friend of Gantt's.

Theron W. Barber recalled—testified he is acquainted with Samuel N. Gantt; has known him for about twelve or fifteen months. His general reputation for truth and veracity is good as far as witness knows. Witness is acquainted with Rial Irish; has known him for seven years; his reputation for truth and veracity is good. Witness is acquainted with Benjamin Irish; has known him for four or five years; his character for truth and veracity is good.

On a cross examination, stated, from witness' knowledge a majority of community think the character of Benjamin Irish, Rial Irish and Samuel N. Gantt to be good. Witness has heard the character of Benjamin Irish and Rial Irish for truth and veracity doubted by a small portion of community. Witness has heard Gantt's character for truth and veracity doubted by those whom witness supposed to be Gantt's personal enemies, but a

very few in number ; has heard his character for truth and veracity doubted by a small portion of the community.

Ebenezer Raynole, sworn—testified he resides in Oakland county ; thinks the general character of Samuel N. Gantt for truth and veracity where witness resides, is good. Witness is acquainted with Rial Irish ; has known him for eight years ; thinks his character for truth and veracity is good ; has never heard it doubted during his residence in witness' neighborhood. Witness is acquainted with Benjamin Irish. During his residence in witness' neighborhood, thinks his character for truth and veracity was good. Witness knows nothing of the reputation of Samuel N. Gantt, Rial Irish and Benjamin Irish in the community where they now reside.

Solomon Close sworn—testified he had never heard the character of Samuel N. Gantt for truth and veracity doubted. Witness is acquainted with Benjamin Irish and Rial Irish ; has known them for five or six years ; has never heard their reputation for truth and veracity doubted.

Mason Brayman sworn—testified he has been acquainted with the character of Samuel N. Gantt for about six years prior to the last year. Witness thinks his character for truth and veracity is good, but does not know what his character is where he now resides.

Gideon O. Whittemore recalled—testified he has been acquainted with Samuel N. Gantt since a year ago last summer ; has never heard his character for truth and veracity called in question. Witness has been acquainted with Benjamin Irish and Rial Irish for about twelve years, and during that time they resided in the county, but did not know their exact place of residence until they removed to Pontiac ; has never heard their character for truth and veracity called in question. Witness thinks if the character of any of the citizens of his neighborhood should be generally called in question, he would know it. Witness was not intimately acquainted with Benjamin Irish, and Rial Irish, until recently ; thinks Benjamin Irish has resided in Pontiac over three years, and Rial Irish one year or more.

Calvin C. Park sworn—testified he is acquainted with the character of Samuel N. Gantt ; does not know any thing against his character for truth and veracity. Witness is acquainted with Benjamin Irish and Rial Irish ; has known them for eight or ten years ; has never heard their character for truth and veracity called in question.

Orison Allen sworn—testified he is acquainted with the character of Samuel N. Gantt for truth and veracity. Witness has never heard it called in question. Witness is acquainted with Benjamin Irish and Rial Irish ; has never heard their character for truth and veracity called in question.

John Davis sworn—testified he is acquainted with Samuel N. Gantt; has known him for thirteen or fourteen months. Witness has never heard his character for truth and veracity called in question. Witness is acquainted with Benjamin Irish and Rial Irish; has never heard their character for truth and veracity called in question. Witness resides seven miles from Gantt's place of residence; has known Rial Irish about three years—has known Benjamin Irish about four years.

Orvis C. Thurber sworn—testified he is acquainted with Samuel N. Gantt; has known him for about a year. Witness thinks his character for truth and veracity is good; has never heard it doubted. Witness has known Rial Irish for about five or six years; thinks his character for truth and veracity is good, and has never heard it doubted. Witness has known Benjamin Irish for about five or six years; thinks his character for truth and veracity is good, and has never heard it doubted.

Stephen Reeves sworn—testified he is acquainted with Samuel N. Gantt; has known him for about a year; thinks his character for truth and veracity is good.

[At this stage of the examination Mr. Wisner moved "that the testimony of Stephen Reeves be recorded upon the journal of the committee, as nearly as practicable, in the words of the witness." Mr. Lothrop moved to amend the same by adding as a substitute the following, which was agreed to by a majority of the committee. "That the questions fixed upon by the committee be put to the witness, and his answers set down, and that shall be the testimony of the witness."]

Chauncey Barber sworn—testified he is partially acquainted with Samuel N. Gantt; has known him for about a year and a half; does not know any thing against his general character for truth and veracity. Witness has known Rial Irish for about a year and a half; does not know any thing against his character for truth and veracity; is acquainted with Benjamin Irish; thinks his character for truth and veracity is as good as the people generally. Witness has heard the character of Benjamin Irish for truth and veracity called in question by individuals, but is not warranted in saying a majority of the inhabitants have called it in question. As to the character of Benjamin Irish, witness would not say that it is bad or good without exceptions; has heard the character of Benjamin Irish questioned; does not recollect of hearing the character of Rial Irish questioned. Witness has heard the character of Samuel N. Gantt for truth and veracity called in question, but not so often as to be willing to swear he has frequently heard it. The remarks heard by witness prejudicial to Gantt's character have been made within the last two or three days. Witness is acquainted with Samuel N. Gantt; has known him for about a year and a half. Witness does not

know but his general reputation for truth and veracity where he lives is good. Witness is acquainted with Rial Irish; has known him for about a year and a half; does not know but his character for truth and veracity is good. Witness is acquainted with Benjamin Irish; has known him for about a year and a half; does not know but the general reports as to his character for truth and veracity are in his favor. Witness does not know that he has heard Gantt's reputation for truth and veracity generally questioned; does not know that he has heard the reputation of Benjamin Irish for truth and veracity generally questioned.—Witness does not know that he has heard the reputation of Rial Irish for truth and veracity generally doubted. Witness does not know that he has had an opportunity of becoming acquainted with their general character. Witness resides in the same township with them.

William Phelps sworn—testified he is acquainted with Samuel N. Gantt; has known him for about fifteen months; his character for truth and veracity is good as far witness' knowledge extends; witness is acquainted with Rial Irish; has known him for about three years; thinks his reputation for truth and veracity is good; witness is acquainted with Benjamin Irish; has known him for three years; his reputation for truth and veracity is good as far as witness knows; witness resides in the same town with them, and as far as his knowledge extends, their character stands fair in the community where they reside.

Truman Cook sworn—testified he is acquainted with Samuel N. Gantt; has known him for about a year; witness does not know but his character for truth and veracity is good; witness is acquainted with Rial Irish; has known him for nine or ten months; does not know but his reputation for truth and veracity is good; is acquainted with Benjamin Irish; has known him for about a year; does not know but his reputation for truth and veracity is good; witness resides in the same township with them.

Caleb Buckman recalled—testified he is acquainted with Samuel N. Gantt; has known him about fourteen months; thinks his reputation for truth and veracity is good; witness is acquainted with Benjamin Irish and Rial Irish; has known them for four or five years; thinks the general reputation of Rial Irish for truth and veracity is good; thinks the reputation of Benjamin Irish for truth and veracity is good.

Clark Beardsley sworn—testified he is acquainted with Samuel N. Gantt; has known him about seven months; has never heard his reputation for truth and veracity called in question, until this investigation; has never heard it until this examination commenced, which was day before yesterday; witness is acquainted with Rial Irish; has known him for about four years; witness is acquainted with Benjamin Irish; has known him for about

three years; the reputation of Rial Irish for truth and veracity, as far as witness knows, is good; has never heard the reputation of Benjamin Irish for truth and veracity doubted until day before yesterday.

John Parshal sworn—testified he is acquainted with Samuel N. Gantt; has known him for about a year; thinks his reputation for truth and veracity is good; witness knows nothing to the contrary; is acquainted with Benjamin and Rial Irish; has known them about three years; thinks the reputation of Rial Irish for truth and veracity, as far as witness knows, is good; thinks the reputation of Benjamin Irish for truth and veracity, as far as witness knows, is good; witness resides in the same town with them.

Asa Fuller sworn—testified he is acquainted with Samuel N. Gantt; has known him since June, 1836; thinks his reputation for truth and veracity to be perfectly good; has never heard any thing to the contrary; witness is acquainted with Benjamin Irish and Rial Irish; has known them for two or three years; thinks the general reputation of Rial Irish is good; has never heard it disputed; thinks the general reputation of Benjamin Irish is good; witness resides in the same town with them.

On motion of Mr. Lothrop,

Resolved, That the testimony in the investigation of the official conduct of Judge Morell, be now closed.

On motion, the committee adjourned until to-morrow, at two o'clock, P. M.

Thursday, November 23, 1837.

Present—Messrs. WISNER, FELCH, ELY, LOTHROP, BINGHAM.

After hearing the argument of opposite counsel on the behalf of respondent,

On motion, the committee adjourned to 6½ o'clock, P. M.

AFTERNOON SESSION.

Present—Messrs. WISNER, FELCH, ELY, LOTHROP, BINGHAM.

The committee decided that the following copy of an indictment should be admitted and attached to the proceedings:

Circuit Court of the State of Michigan in and for the county of Oakland, of the term of May, in the year of our Lord one thousand eight hundred and thirty-seven.

County of Oakland, to wit :—In the name of the People of the State of Michigan, the grand jurors of the People of the State of Michigan, inquiring in and for the body of the county of Oakland, in the state aforesaid, on their oaths, present, that Rial Irish, late

of the township of Pontiac, in the county of Oakland and state of Michigan, at the township of Pontiac, aforesaid, and within the jurisdiction of this court, on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-six, with force and arms, did then and there utter and publish as true, to one George W. Wisner, a certain false, forged and counterfeited promisory note, for the payment of money, commonly called a bank bill, in the words and figures following, to wit :

5

I.

RENEWED CHARTER.

5

FIVE.

New Emission.

Wm. A. Welles,
Cashier, B. B.

The President, Directors and Company
of the Bank of Utica, promise to pay D.
W. Clinton or Bearer on demand, Five
Dollars.

Utica, the 4th of Jan. 1830.

H. Huntington, Pres't.

M. Hunt, Cashier.

Fairman, Draper, Underwood & Co.

No. 1282.

Payable at our office
in Canandaigua.

FIVE DOLLARS.

With intent to prejudice, injure and defraud the said George W. Wisner, he the said Rial Irish, at the said time of his so uttering and publishing the said false, forged and counterfeited promisory note, then and there, to wit : on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-six, at the township of Pontiac aforesaid, well knowing the same to be false, forged and counterfeited, contrary to the statute in such case made and provided, and against the peace and dignity of the people of the state of Michigan.

And the grand jurors aforesaid, do further present, that Rial Irish, late of the township of Pontiac, at the township of Pontiac, aforesaid, in the county of Oakland aforesaid, and within the jurisdiction of this court, on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-six, with force and arms, feloniously did then and there have in his possession a forged and counterfeited negotiable note, purporting to have been issued by the President, Directors and Company of the Bank of Utica, a corporation duly authorized for that purpose, by the laws of the state of New York, in the words and figures following, that is to say :

RENEWED CHARTER.

No. 1282.

The President, Directors & Company
of the Bank of Utica, promise to pay D.
W. Clinton or Bearer on demand, Five
Dollars.

Payable at our office
in Canandaigua.

Utica, the 4th of Jan. 1830.
H. Huntington, Pres't.
M. Hunt, Cashier. 5

Fairman, Draper, Underwood & Co.

FIVE.
New Emission,
Wm. A. Welles,
Cashier, B. B.

FIVE DOLLARS.

With intent to utter the same as true, with intent to injure and defraud one George W. Wisner, he the said Rial Irish, at the said time of his having the said forged and counterfeited negotiable note in his possession, then and there, to wit: on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-six, at the township of Pontiac aforesaid, well knowing the same to be forged and counterfeited, contrary to the statute in such case made and provided, and against the peace and dignity of the people of the state of Michigan.

State of Michigan, County of Oakland, ss.

L. S. I, the undersigned, clerk of the circuit court of the county of Oakland aforesaid, do hereby certify the foregoing to be a true copy of a bill of indictment on file in my office, in a case entitled "The People of the State of Michigan vs. Rial Irish."

In witness whereof, I have hereunto set my hand and affixed the seal of said county, this eighteenth day of November, in the year of our Lord one thousand eight hundred and thirty-seven.

CHARLES DRAPER, *Clerk.*

The copy of the resolution transmitted from Lapeer county, purporting to have been an expression on the part of the grand jury, was, on motion, rejected.

Sundry questions which had been propounded to witnesses by respondent's counsel, the decision of which, by the committee, was reserved, they decided to be inadmissible.

A protest, drawn up by respondent's counsel in the early stage of the proceedings, was, on motion, decided by the committee to be inadmissible.

On motion, the committee adjourned until Monday evening, at half past six o'clock.

Monday, November 27, 1837.

The committee not all appearing present, on motion, adjourned until to-morrow evening at half past six o'clock.

Tuesday, November 28, 1887.

There not appearing a quorum present, on motion, the committee adjourned until to-morrow evening at half past six o'clock.

Wednesday, November 29, 1887.

Present—Messrs. WISNER, FELCH, ELY, LOTHROP, BINGHAM.

On motion of Mr. Lothrop,

Resolved, That the ten first charges against Judge Morell, although not in every case perfectly explained, are not, in the opinion of the committee, sufficient to base any action against Judge Morell, before the House of Representatives.

On motion, the committee adjourned until to-morrow at nine o'clock, A. M.

Thursday, November 30, 1887.

Present—Messrs. WISNER, FELCH, ELY, LOTHROP, BINGHAM.

Mr. Wisner offered the following resolutions :

Resolved, In the opinion of this committee, that the eleventh charge has been sustained.

Resolved, In the opinion of this committee, that the twelfth charge has been fully sustained.

The question being on the adoption of the above resolutions, it was decided by yeas and nays, in the negative, as follows :

YEAS.—Mr. Wisner.

NAYS.—Messrs. Felch, Ely, Lothrop, Bingham.

Mr. Lothrop offered the following resolutions :

Resolved, That in the opinion of this committee, the charges aforesaid have not been sufficiently sustained to warrant any proceedings against Judge Morell before the House of Representatives.

Resolved, That the committee report to the House, that in their opinion, there is not sufficient evidence before them, on the charges preferred against Judge Morell, to require the interposition of the constitutional power of the House of Representatives.

The question being on the adoption of the above resolutions, they were decided by yeas and nays, in the affirmative, as follows :

YEAS.—Messrs. Felch, Lothrop, Ely, Bingham.

NAYS.—Mr. Wisner.

On motion of Mr. Wisner,

Resolved, That when this committee report their opinion to the House, the evidence which appears upon the journal of the committee, be annexed to the same.

Adjourned.

December 5, 1837.

Committee met.

Present—Messrs. WISNER, FELCH, ELY, BINGHAM.

On motion of Mr. Felch,

Voted, That the following report be made to the House by the committee, accompanied by the testimony taken before them, all documents received in evidence, and all resolutions which are adopted by them and are made a part of the proceedings.

YEAS.—Messrs. Felch, Ely, Bingham.*NAYS*.—Mr. Wisner.

The committee adjourned.

(No. 2.)

Resolution of the Grand Jury of Lapeer county, relative to the conduct of S. D. M'Keen, in advising Judge Morell not to hold the April term of Court in that county.

Resolved, That S. D. M'Keen, in stating to the presiding judge the business in the circuit court in the month of March last, and the Hon. Judge Morell, in omitting to hold a court in April last, in our opinion, acted in accordance with the true interests of the people of this county.

Caleb Carpenter,	J. G. Freeman,
John Shafer,	O. P. Davison,
Timothy Wheeler,	Josiah R. Rood,
Wm. Hart,	Jedediah E. Hough,
E. K. Parshall,	Josiah Banghart,
J. B. Morse,	Oliver B. Hart,
Isaac Evans,	Isaac Goodale,
Stephen Smith,	Richard Arms, jr.
Samuel Lason,	Ira Peck,

State of Michigan, Lapeer county.

I hereby certify that the names attached to the above resolution are those of the entire panel of grand jurors in attendance at the October term of the circuit court for Lapeer county, holden on the 17th of the present month.

[L. s.]

NOAH H. HART, *Clerk*.

October 20, 1837.

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